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VOLUME XXX

HISTORY OF OREGON

VOL. II. 1848–1888

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HISTORY OF OREGON.

CHAPTER I.

CONDITION OF AFFAIRS.

1848.

POPULATION—PRODUCTS—PLACES OF SETTLEMENT—THE FIRST FAMILIES OF OREGON—STOCK-RAISING AND AGRICULTURE—FOUNDING OF TOWNS—LAND TITLES—OCEAN TRAFFIC—SHIP-BUILDING AND COMMERCE—DOMESTIC MATTERS: FOOD, CLOTHING, AND SHELTER—SOCIETY: RELIGION, EDUCATION, AND MORALS—BENEVOLENT SOCIETIES—AIDS AND CHECKS TO PROGRESS—NOTABLE INSTITUTIONS—CHARACTER OF THE PEOPLE.

FOURTEEN years have now elapsed since Jason Lee began his missionary station on the east bank of the Willamette, and five years since the first considerable settlement was made by an agricultural population from the western states. It is well to pause a moment in our historical progress and to take a general survey.

First as to population, there are between ten and twelve thousand white inhabitants and half-breeds scattered about the valley of the Willamette, with a few in the valleys of the Columbia, the Cowlitz, and on Puget Sound. Most of these are stock-raisers and grain-growers. The extent of land cultivated is not great,[1] from twenty to fifty acres only being in cereals on single farms within reach of warehouses of the fur

[1] In *Hastings' Or. and Cal.*, 55-6, the average size of farms is given at 500 acres, which is much too high an estimate. There was no need to fence so much land, and had it been cultivated the crops would have found no market.

company and the American merchants. One writer estimated the company's stock in 1845 at 20,000 bushels, and that this was not half of the surplus. As many farmers reap from sixty to sixty-five bushels of wheat to the acre,[2] and the poorest land returns twenty bushels, no great extent of sowing is required to furnish the market with an amount equal to that named. Agricultural machinery to any considerable extent is not yet known. Threshing is done by driving horses over the sheaves strewn in an enclosure, first trodden hard by the hoofs of wild cattle. In the summer of 1848 Wallace and Wilson of Oregon City construct two threshing-machines with endless chains, which are henceforward much sought after.[3] The usual price of wheat, fixed by the Hudson's Bay Company, is sixty-two and a half cents; but at different times it has been higher, as in 1845, when it reached a dollar and a half a bushel,[4] owing to the influx of population that year.

The flouring of wheat is no longer difficult, for there are in 1848 nine grist-mills in the country.[5] Nor is it any longer impossible to obtain sawed lumber in the lower parts of the valley, or on the Columbia, for a larger number of mills furnish material for building to those who can afford to purchase and provide the means of transportation.[6] The larger number of

[2] *Hines' Hist. Oregon*, 342–6. Thornton, in his *Or. and Cal.*, i. 379, gives the whole production of 1846 at 144,863 bushels, the greatest amount raised in any county being in Tualatin, and the least in Clatsop. Oats, pease, and potatoes were in proportion. See also *Or. Spectator*, July 23, 1846; *Howison's Coast and Country*, 29–30. The total wheat crop of 1847 was estimated at 180,000 bushels, and the surplus at 50,000.

[3] *Crawford's Nar.*, MS., 164; *Ross' Nar.*, MS., 10.

[4] *Ekin's Saddle-Maker*, MS., 4.

[5] The grist-mills were built by the Hudson's Bay Company near Vancouver; McLoughlin and the Oregon Milling Company at Oregon City; by Thomas McKay on French Prairie; by Thomas James O'Neal on the Ricknall in the Applegate Settlement in Polk County; by the Methodist Mission at Salem; by Lot Whitcomb at Milwaukee, on the right bank of the Willamette, between Portland and Oregon City; by Meek and Luelling at the same place; and by Whitman at Waiilatpu. About this time a flouring-mill was begun on Puget Sound. *Thornton's Or. and Cal.*, i. 330; *S. F. Californian*, April 19, 1848.

[6] These saw-mills were often in connection with the flouring-mills, as at Oregon City, Salem, and Vancouver. But there were several others that were

houses on the land-claims, however, are still of hewn logs, in the style of western frontier dwellings of the Mississippi states.[7]

separate, as the mill established for sawing lumber by Mr Hunsaker at the junction of the Willamette with the Columbia; by Charles McKay on the Tualatin Plains, and by Hunt near Astoria. There were others to the number of 15 in different parts of the territory. *Thornton's Or. and Cal.*, i. 330; *Crawford's Nar.*, MS., 164.

[7] George Gay had a brick dwelling, and Abernethy a brick store; and brick was also used in the erection of the Catholic church at St Pauls. Crawford tells us a good deal about where to look for settlers. Reason Read, he says, was located on Nathan Crosby's land-claim, a mile below Pettygrove's dwelling in Portland, on the right bank of the Willamette, just below a high gravelly bluff, that is, in what is now the north part of East Portland. Two of the Belknaps were making brick at this place, assisted by Read. A house was being erected for Crosby by a mechanic named Richardson. Daniel Lownsdale had a tannery west of Portland town-site. South of it on the same side of the river were the claims of Finice Caruthers, William Johnson, Thomas Stevens, and James Terwilliger. On the island in front of Stevens' place lived Richard McCrary, celebrated for making 'blue ruin' whiskey out of molasses. James Stevens lived opposite Caruthers, on the east bank of the Willamette, where he had a cooper-shop, and William Kilborne a warehouse. Three miles above Milwaukee, where Whitcomb, William Meek, and Luelling were settled, was a German named Piper, attempting to make pottery. Opposite Oregon City lived S. Thurston, R. Moore, H. Burns, and Judge Lancaster. Philip Foster and other settlers lived on the Clackamas River, east of Oregon City. Turning back, and going north of Portland, John H. Couch claimed the land adjoining that place. Below him were settled at intervals on the same side of the river William Blackstone, Peter Gill, Doane, and Watts. At Linnton there were two settlers, William Dillon and Dick Richards. Opposite to Watt's on the east bank was James Loomis, and just above him James John. At the head of Sauvé Island lived John Miller. Near James Logie's place, before mentioned as a dairy-farm of the Hudson's Bay Company, Alexander McQuinn was settled, and on different parts of the island Jacob Cline, Joseph Charlton, James Bybee, Malcolm Smith a Scotchman, Gilbau a Canadian, and an American named Walker. On the Scappoose plains south of the island was settled McPherson, a Scotchman; and during the summer Nelson Hoyt took a claim on the Scappoose. At Plymouth Rock, now St Helen, lived H. M. Knighton who the year before had succeeded to the claim of its first settler, Bartholomew White, who was a cripple, and unable to make improvements. A town was already projected at this place, though not surveyed till 1849, when a few lots were laid off by James Brown of Canemah. The survey was subsequently completed by N. H. Tappan and P. W. Crawford, and mapped by Joseph Trutch, in the spring of 1851. A few miles below Knighton were settled the Merrill family and a man named Tulitson. The only settler in the region of the Dalles was Nathan Olney, who in 1847 took a claim 3 miles below the present town, on the south side of the river. On the north side of the Columbia, in the neighborhood of Vancouver, the land formerly occupied by the fur company, after the settlement of the boundary was claimed to a considerable extent by individuals, British subjects as well as Americans. Above the fort, Forbes Barclay and Mr Lowe, members of the company, held claims as individuals, as also Mr Covington, teacher at the fort. On the south side, opposite Vancouver, John Switzler kept a ferry, which had been much in use during the Cayuse war as well as in the season of immigrant arrivals. On Cathlapootle, or Lewis, river there was also a settler. On the Kalama River Jonathan Burpee had taken a claim; he afterward removed to the Cowlitz, where Thibault, a Canadian,

Only a small portion of the land being fenced, almost the whole Willamette Valley is open to travel, and covered with the herds of the settlers, some of whom own between two and three thousand cattle and horses. Though thus pastured the grass is knee-high on the plains, and yet more luxuriant on the low lands; in summer the hilly parts are incarnadine with strawberries.[8] Besides the natural increase of the first importations, not a year has passed since the venture of the Willamette Cattle Company in 1837, without the introduction of cattle and horses from California, to which are added those driven from the States annually after 1842,[9] whence come likewise constantly increasing flocks of sheep. The towns, as is too often the case, are out of proportion to the rural population. Oregon City, with six or seven hundred inhabitants, is still the metropolis, having the advantage of a central

was living in charge of the warehouse of the Hudson's Bay Company, and where during the spring and summer Peter W. Crawford, E. West, and one or two others settled. Before the autumn of 1849 several families were located near the mouth of the Cowlitz. H. D. Huntington, Nathaniel Stone, David Stone, Seth Catlin, James Porter, and R. C. Smith were making shingles here for the California market. Below the Cowlitz, at old Oak Point on the south side of the river, lived John McLean, a Scotchman. Oak Point Mills on the north side were not built till the following summer, when they were erected by a man named Dyer for Abernethy and Clark of Oregon City. At Cathlamet on the north bank of the river lived James Birnie, who had settled there in 1846. There was no settlement between Cathlamet and Hunt's Mill, and none between Hunt's Mill, where a man named Spears was living, and Astoria, except the claim of Robert Shortess near Tongue Point. At Astoria the old fur company's post was in charge of Mr McKay; and there were several Americans living there, namely, John McClure, James Welch, John M. Shively, Van Dusen and family, and others; in all about 30 persons; but the town was partially surveyed this year by P. W. Crawford. There were about a dozen settlers on Clatsop plains, and a town had been projected on Point Adams by two brothers O'Brien, called New York, which never came to anything. At Baker Bay lived John Edmunds, though the claim belonged to Peter Skeen Ogden. On Scarborough Hill, just above, a claim had been taken by an English captain of that name in the service of the Hudson's Bay Company. The greater number of these items have been taken from *Crawford's Narrative*, MS.; but other authorities have contributed, namely: *Minto's Early Days*, MS.; *Weed's Queen Charlotte I. Exped.*, MS.; *Deady's Hist. Or.*, MS.; *Pettygrove's Or.*, MS,; *Lovejoy's Portland*, MS.; *Moss' Pioneer Times*, MS.; *Brown's Willamette Valley*, MS.; *Or. Statutes; Victor's Oregon and Wash.; Murphy's Or. Directory*, 1; *S. I. Friend*, Oct. 15, 1849; *Wilkes' Nar.; Palmer's Journal; Home Missionary Mag.*, xxii. 63-4.

[8] 'The most beautiful country I ever saw in my life.' *Weed's Queen Charlotte I. Exped.*, MS., 2.

[9] *Clyman's Note Book*, MS., 6; *W. B. Ide's Biog.*, 34.

position between the farming country above the falls and the deep-water navigation twelve miles below; and more capital and improvements are found here than at any other point.[10] It is the only incorporated town as yet in Oregon, the legislature of 1844 having granted it a charter;[11] unimproved lots are held at from $100 to $500. The canal round the falls which the same legislature authorized is in progress of construction, a wing being thrown out across the east shoot of the river above the falls which form a basin, and is of great benefit to navigation by affording quiet water for the landing of boats, which without it were in danger of being carried over the cataract.[12]

Linn City and Multnomah City just across the river from the metropolis, languish from propinquity to a greatness in which they cannot share. Milwaukee, a few miles below, is still in embryo. Linnton, the city founded during the winter of 1843 by Burnett and McCarver, has had but two adult male inhabitants, though it boasts a warehouse for wheat. Hillsboro and Lafayette aspire to the dignity of county-seats of Tualatin and Yamhill. Corvallis, Albany, and Eugene are settled by claimants of the land, but do not yet rejoice in the distinction of an urban appel-

[10] Thornton counts in 1847 a Methodist and a Catholic church, St James, a day-school, a private boarding-school for young ladies, kept by Mrs Thornton, a printing-press, and a public library of 300 volumes. *Or. and Cal.*, i. 329–30. Crawford says there were 5 stores of general merchandise, the Hudson's Bay Company's, Abernethy's, Couch's (Cushing & Co.), Moss', and Robert Canfield's; and adds that there were 3 ferries across the Willamette at this place, one a horse ferry, and 2 pulled by hand, and that all were kept busy, Oregon City being 'the great rendezvous for all up and down the river to get flour.' *Narrative*, MS., 154; *S. I. Friend*, Oct. 15, 1849. Palmer states in addition that McLoughlin's grist-mill ran 3 sets of buhr-stones, and would compare favorably with most mills in the States; but that the Island Mill, then owned by Abernethy and Beers, was a smaller one, and that each had a saw-mill attached which cut a great deal of plank for the new arrivals. *Journal*, 85–6. There were 2 hotels, the Oregon House, which was built in 1844, costing $44,000, and which was torn down in June 1871. The other was called the City Hotel. McLoughlin's residence, built about 1845, was a large building for those times, and was later the Finnegas Hotel. *Moss' Pioneer Times*, MS., 30; *Portland Advocate*, June 3, 1871; *Bacon's Merc. Life Or. City*, MS., 18; *Harvey's Life of McLoughlin*, MS., 34; *Niles' Reg.*, lxx. 341.

[11] Abernethy was the first mayor, and Lovejoy the second; McLoughlin was also mayor.

[12] *Niles' Reg.*, lxviii. 84; *Or. Spectator*, Feb. 19, 1846.

lation. Champoeg had been laid off as a town by Newell, but is so in name only. Close by is another river town, of about equal importance, owned by Abernethy and Beers, which is called Butteville. Just above the falls Hedges has laid off the town of Canemah. Besides these there are a number of settlements named after the chief families, such as Hembree's settlement in Yamhill County, Applegate's and Ford's in Polk, and Waldo's and Howell's in Marion. Hamlets promising to be towns are Salem, Portland, Vancouver, and Astoria.

I have already mentioned the disposition made of the missionary claims and property at Salem, and that on the dissolution of the Methodist Mission the Oregon Institute was sold, with the land claimed as belonging to it, to the board of trustees. But as there was no law under the provisional government for the incorporation of such bodies, or any under which they could hold a mile square of land for the use of the institute, W. H. Wilson, H. B. Brewer, D. Leslie, and L. H. Judson resorted to the plan of extending their four land-claims in such a manner as to make their corners meet in the centre of the institute claim, under that provision in the land law allowing claims to be held by a partnership of two or more persons; and by giving bonds to the trustees of the institute to perform this act of trust for the benefit of the board, till it should become incorporated and able to hold the land in its own right.

In March 1846 Wilson was authorized to act as agent for the board, and was put in possession of the premises. In May following he was empowered to sell lots, and allowed a compensation of seven per cent on all sales effected. During the summer a portion of the claim was sold to J. L. Parrish, David Leslie, and C. Craft, at twelve dollars an acre; and Wilson was further authorized to sell the water-power or mill-site, and as much land with it as might be

thought advisable; also to begin the sale by public auction of the town lots, as surveyed for that purpose, the first sale to take place September 10, 1846. Only half a dozen families were there previous to this time.[13]

In July 1847 a bond was signed by Wilson, the conditions of which were the forfeiture of $100,000, or the fulfilment of the following terms: That he should hold in trust the six hundred and forty acres thrown off from the land-claims above mentioned; that he should pay to the missionary society of the Methodist Episcopal church of Oregon and to the Oregon Institute certain sums amounting to $6,000; that he should use all diligence to perfect a title to the institute claim, and when so perfected convey to the first annual conference of the Methodist church, which should be established in Oregon by the general conference of the United States, in trust, such title as he himself had obtained to sixty acres known as the 'institute reserve,' on which the institute building was situated—for which services he was to receive one third of the money derived from the sale of town lots on the unreserved portion of the six hundred and forty acres comprised in the Salem town-site and belonging to the several claimants. Under this arrangement, in 1848, Wilson and his wife were residing in the institute building on the reserved sixty acres, Mrs Wilson having charge of the school, while the agency of the town property remained with her husband.

The subsequent history of Salem town-site belongs to a later period, but may be briefly given here. When the Oregon donation law was passed, which gave to the wife half of the mile square of land embraced in the donation, Wilson had the dividing line on his land run in such a manner as to throw the reserve with the institute building, covered by his claim, upon the wife's portion; and Mrs Wilson being

[13] *Davidson's Southern Route*, MS., 5; *Brown's Autobiography*, MS., 31; *Rabbison's Growth of Towns*, MS., 27–8.

under no legal obligation to make over anything to the Oregon conference, in trust for the institute, refused to listen to the protests of the trustees so neatly tricked out of their cherished educational enterprise. In this condition the institute languished till 1854, when a settlement was effected by the restoration of the reserved sixty acres to the trustees of the Willamette University, and two thirds of the unsold remains of the south-west quarter of the Salem town-site which Wilson was bound to hold for the use of that institution. Whether the restoration was an act of honor or of necessity I will not here discuss; the act of congress under which the territory was organized recognized as binding all bonds and obligations entered into under the provisional government.[14] In later years some important lawsuits grew out of the pretensions of Wilson's heirs, to an interest in lots sold by him while acting agent for the trustees of the town-site.[15]

Portland in 1848 had but two frame buildings, one the residence of F. W. Pettygrove, who had removed from Oregon City to this hamlet on the river's edge, and the other belonging to Thomas Carter. Several log-houses had been erected, but the place had no trade except a little from the Tualatin plains lying to the south, beyond the heavily timbered highlands in that direction.

The first owner of the Portland land-claim was William Overton, a Tennesseean, who came to Oregon about 1843, and presently took possession of the place, where he made shingles for a time, but being of a restless disposition went to the Sandwich Islands, and returning dissatisfied and out of health, resolved to go to Texas. Meeting with A. L. Lovejoy at Vancouver, and returning with him to Portland in a canoe, he offered to resign the claim to him, but subsequently

[14] *Or. Laws*, 1843–72, 61; *Hines' Or. and Inst.*, 165–72.

[15] Thornton's Salem Titles, in *Salem Directory* for 1874, 2–7. Wilson died suddenly of apoplexy, in 1856. *Id.*, 22.

changed his mind, thinking to remain, yet giving Lovejoy half, on condition that he would aid in improving it; for the latter, as he says in his *Founding of Portland,* MS., 30–34, observed the masts and booms of vessels which had been left there, and it occurred to him that this was the place for a town. So rarely did shipping come to Oregon in these days, and more rarely still into the Willamette River, that the possibility or need of a seaport or harbor town away from the Columbia does not appear to have been seriously entertained up to this time.

After some clearing, preparatory to building a house, Overton again determined to leave Oregon, and sold his half of the land to F. W. Pettygrove for a small sum and went to Texas, where it has been said he was hanged.[16] Lovejoy and Pettygrove then erected the first house in the winter of 1845, the locality being on what is now Washington street at the corner of Front street, it being built of logs covered with shingles. Into this building Pettygrove moved half of his stock of goods in the spring of 1845, and with Lovejoy opened a road to the farming lands of Tualatin County from which the traffic of the imperial city was expected to come.

The town was partially surveyed by H. N. V. Short, the initial point being Washington street and the survey extending down the river a short distance. The naming of it was decided by the tossing of a copper coin, Pettygrove, who was from Maine, gaining the right to call it Portland, against Lovejoy, who was from Massachusetts and wished to name the new town Boston. A few stragglers gathered there, and during the Cayuse war when the volunteer companies organized at Portland, and crossing the river took the road to Switzler's ferry opposite Vancouver, it began to be apparent that it was a more convenient point of departure and arrival in regard to the Columbia than

[16] Deady, in *Overland Monthly*, i. 36; Nesmith, in *Or. Pioneer Assoc., Trans.*, 1875, 57.

Oregon City. But it made no material progress till a conjunction of remarkable events in 1848 called it into active life and permanent prosperity. Before this happened, however, Lovejoy had sold his interest to Benjamin Stark; and Daniel Lownsdale in September of this year purchased Pettygrove's share, paying for it $5,000 worth of leather which he had made at his tannery adjoining the town-site. The two founders of Portland thus transferred their ownership, which fell at a fortunate moment into the hands of Daniel Lownsdale, Stephen Coffin, and W. W. Chapman.[17]

In 1848 Henry Williamson, the same who claimed unsuccessfully near Fort Vancouver in 1845, employed P. W. Crawford to lay out a town on the present site of Vancouver, and about five hundred lots were surveyed, mapped, and recorded in the recorder's books at Oregon City, according to the law governing town-sites; the same survey long ruling in laying out streets, blocks, and lots. But the prospects for a city were blighted by the adverse claim of Amos Short, an immigrant of 1847, who settled first at Linnton, then removed to Sauvé Island where he was engaged in slaughtering Spanish cattle, but who finally took six hundred and forty acres below Fort Vancouver, Williamson who still claimed the land being absent at the time, having gone to Indiana for a wife. The land law of Oregon, in order to give young men this opportunity of fulfilling marriage engagements without loss, provided that by paying into the treasury of the territory the sum of five dollars a year, they could be absent from their claims for two consecutive years, or long enough to go to the States and return.

In Williamson's case the law proved ineffectual.

[17] *Lovejoy's Founding of Portland*, MS., passim; *Brigg's Port Townsend*, MS., 9; *Sylvester's Olympia*, MS., 4, 5; *Hancock's Thirteen Years*, MS., 94. For an account of the subsequent litigation, not important to this history, see *Burke* v. *Lownsdale*, *Appellee's Brief*, 12; *Or. Laws*, 1866, 5–8; *Deady's Hist. Or.*, MS., 12–13. Some mention will be made of this in treating of the effects of the donation law on town-sites.

She whom he was to marry died before he reached Indiana, and on returning still unmarried, he found Short in possession of his claim; and although he was at the expense of surveying, and a house was put up by William Fellows, who left his property in the keeping of one Kellogg, Short gave Williamson so much trouble that he finally abandoned the claim and went to California to seek a fortune in the mines. The cottonwood tree which Crawford made the starting-point of his survey, and which was taken as the corner of the United States military post in 1850, was standing in 1878. The passage of the donation law brought up the question of titles to Vancouver, but as these arguments and decisions were not considered till after the territory of Washington was set off from Oregon, I will leave them to be discussed in that portion of this work. Astoria, never having been the seat of a mission, either Protestant or Catholic, and being on soil acknowledged from the first settlement as American, had little or no trouble about titles, and it was only necessary to settle with the government when a place for a military post was temporarily required.

The practice of jumping, as the act of trespassing on land claimed by another was called, became more common as the time was supposed to approach when congress would make the long-promised donation to actual settlers, and every man desired to be upon the choicest spot within his reach. It did not matter to the intruder whether the person displaced were English or American. Any slight flaw in the proceedings or neglect in the customary observances rendered the claimant liable to be crowded off his land. But when these intrusions became frequent enough to attract the attention of the right-minded, their will was made known at public meetings held in all parts of the territory, and all persons were warned against violating the rights of others. They were told that if the

existing law would not prevent trespass the legislature should make one that would prove effectual.[18] Thus warned, the envious and the grasping were generally restrained, and claim-jumping never assumed alarming proportions in Oregon. Considering the changes made every year in the population of the country, public sentiment had much weight with the people, and self-government attained a position of dignity.

Although no claimant could sell the land he held, he could abandon possession and sell the improvements, and the transaction vested in the purchaser all the rights of the former occupant. In this manner the land changed occupants as freely as if the title had been in the original possessor, and no serious inconvenience was experienced[19] for the want of it.

Few laws were enacted at the session of 1847, as it was believed unnecessary in view of the expected near approach of government by the United States. But the advancing settlement of the country demanding that the county boundaries should be fixed, and new ones created, the legislature of 1847 established the counties of Linn and Benton, one extending east to the Rocky Mountains, the other west to the Pacific Ocean, and both south to the latitude 42°.[20]

The construction of a number of roads was also authorized, the longer ones being from Portland to Mary River, and from Multnomah City to the same place, and across the Cascade Mountains by the way of the Santiam River to intercept the old emigrant road in the valley of the Malheur, or east of there, from which it will be seen that there was still a conviction in some minds that a pass existed which would lead travellers into the heart of the valley. That no such pass was discovered in 1848, or until long after annual caravans of wagons and cattle from the States ceased

[18] *Or. Spectator*, Sept. 30, 1847.
[19] *Holden's Or. Pioneering*, MS., 6.
[20] *Or. Laws*, 1843–9, 50, 55–6; *Benton County Almanac*, 1876, 1, 2; *Or. Pioneer Assoc., Trans.*, 1875, 59.

to demand it, is also true.[21] But it was a benefit to the country at large that a motive existed for annual exploring expeditions, each one of which brought into notice some new and favorable situations for settlements, besides promoting discoveries of its mineral resources of importance to its future development.[22]

On account of the unusual and late rains in the summer of 1847, the large immigration which greatly increased the home consumption, and the Cayuse war which reduced the number of producers, the colony experienced a depression in business and a rise in prices which was the nearest approach to financial distress which the country had yet suffered. Farming utensils were scarce and dear, cast-iron ploughs selling at forty-five dollars.[23] Other tools were equally scarce, often requiring a man who needed an axe to travel a long distance to procure one second-hand at a high price. This scarcity led to the manufacture of axes at Vancouver, for the company's own hunters and trappers, before spoken of as exciting the suspicion of the Americans. Nails brought from twenty to twenty-five cents per pound; iron twelve and a half. Groceries were high, coffee bringing fifty cents a pound; tea a dollar and a half; coarse Sandwich Island sugar twelve and fifteen cents; common molasses fifty cents a gallon. Coarse cottons brought twenty and twenty-five cents a yard; four-point blankets five dollars a single one; but ready-made common clothing for men could be bought cheap. Flour was selling in the spring for four and five dollars a barrel, and potatoes at fifty cents a bushel;

[21] It was discovered within a few years, and is known as Minto's Pass. A road leading from Albany to eastern Oregon through this pass was opened about 1877.

[22] Mention is made at this early day of discoveries of coal, iron, copper, plumbago, mineral paint, and valuable building and lime stone. *Thornton's Or. and Cal.*, i. 331–47; *S. F. Californian*, April 19, 1848.

[23] Brown says: 'We reaped our wheat mostly with sickles; we made wooden mould-boards with a piece of iron for the coulter.' *Willamette Valley*, MS., 6.

high prices for those times, but destined to become higher.[24]

The evil of high prices was aggravated by the nature of the currency, which was government scrip, orders on merchants, and wheat; the former, though drawing interest, being of uncertain value owing to the state of the colonial treasury which had never contained money equal to the face of the government's promises to pay. The law making orders on merchants currency constituted the merchant a banker without any security for his solvency, and the value of wheat was liable to fluctuation. There were, besides, different kinds of orders. An Abernethy order was not good for some articles. A Hudson's Bay order might have a cash value, or a beaver-skin value. In making a trade a man was paid in Couch, Abernethy, or Hudson's Bay currency, all differing in value.[25] The legislature of 1847 so far amended the currency act as to make gold and silver the only lawful tender for the payment of judgments rendered in the courts, where no special contract existed to the contrary; but making treasury drafts lawful tender in payment of taxes, or in compensation for the services of the officers or agents of the territory, unless otherwise provided by law; and providing that all costs of any suit at law should be paid in the same kind of money for which judgment might be rendered.

This relief was rather on the side of the litigants than the people at large. Merchants' paper was worth as much as the standing of the merchant. Nowhere in the country, except at the Hudson's Bay Company's store, would an order pass at par.[26] The inconvenience of paying for the simplest article by orders on wheat in warehouse was annoying both to purchaser and seller. The first money brought into the country in any quantity was a barrel of silver dollars received at

[24] *S. F. California Star*, July 10, 1847; *Crawford's Nar.*, MS., 119-20.
[25] *Lovejoy's Portland*, MS., 35-6.
[26] *Brigg's Port Townsend*, MS., 11-13.

Vancouver to be paid in monthly sums to the crew of the *Modeste*.[27] The subsequent overland arrivals brought some coin, though not enough to remedy the evil.

One effect of the condition of trade in the colony was to check credit, which in itself would not have been injurious, perhaps,[28] had it not also tended to discourage labor. A mechanic who worked for a stated price was not willing to take whatever might be given him in return for his labor.[29]

Another effect of such a method was to prevent vessels coming to Oregon to trade.[30] The number of

[27] *Roberts' Recollections*, MS., 21; *Ebbert's Trapper's Life*, MS., 40.

[28] Howison relates that he found many families who, rather than incur debt, had lived during their first year in the country entirely on boiled wheat and salt salmon, the men going without hat or shoes while putting in and harvesting their first crop. *Coast and Country*, 16.

[29] Moss gives an illustration of this check to industry. A man named Anderson was employed by Abernethy in his saw-mill, and labored night and day. Abernethy's stock of goods was not large or well graded, and he would sell certain articles only for cash, even when his own notes were presented. Anderson had purchased part of a beef, which he wished to salt for family use, but salt being one of the articles for which cash was the equivalent at Abernethy's store, he was refused it, though Abernethy was owing him, and he was obliged to go to the fur company's store for it. *Pioneer Times*, MS., 40-3.

[30] Herewith I summarize the Oregon ocean traffic for the 14 years since the first American settlement, most of which occurrences are mentioned elsewhere. The Hudson's Bay Company employed in that period the barks *Ganymede*, *Forager*, *Nereid*, *Columbia*, *Cowlitz*, *Diamond*, *Vancouver*, *Wave*, *Brothers*, *Janet*, *Admiral Moorsom*, the brig *Mary Dare*, the schooner *Cadboro*, and the steamer *Beaver*, several of them owned by the company. The *Beaver*, after her first appearance in the river in 1836, was used in the coast trade north of the Columbia. The barks *Cowlitz*, *Columbia*, *Vancouver*, and the schooner *Cadboro* crossed the bar of the Columbia more frequently than any other vessels from 1836 to 1848. The captains engaged in the English service were Eales, Royal, Home, Thompson, McNeil, Duncan, Fowler, Brotchie, More, Darby, Heath, Dring, Flere, Weyington, Cooper, McKnight, Scarborough, and Humphreys, who were not always in command of the same vessel. There was the annual vessel to and from England, but the others were employed in trading along the coast, and between the Columbia River and the Sandwich Islands, or California, their voyages extending sometimes to Valparaiso, from which parts they brought the few passengers coming to Oregon.

The first American vessel to enter the Columbia after the arrival of the missionaries was the brig *Loriot*, Captain Bancroft, in Dec. 1836; the second the *Diana*, Captain W. S. Hinckley, May 1837; the third the *Lausanne*, Captain Spaulding, May 1840. None of these came for the purpose of trade. There is mention in the *25th Cong., 3d Sess., U. S. Com. Rept. 101*, 58, of the ship *Joseph Peabody* fitting out for the Northwest Coast, but she did not enter the Columbia so far as I can learn. In August 1840 the first American trader since Wyeth arrived. This was the brig *Maryland*, Captain John H. Couch, from Newburyport, belonging to the house of Cushing & Co. She took a few fish and left the river in the autumn never to return. In April 1841

American vessels which brought goods to the Columbia or carried away the products of the colony was small. Since 1834 the bar of the Columbia had been crossed by American vessels, coming in and going out, fifty-four times. The list of American vessels entering during this period comprised twenty-two of

the second trader appeared, the *Thomas H. Perkins*, Captain Varney. She remained through the summer, the Hudson's Bay Company finally purchasing her cargo and chartering the vessel to get rid of her. Then came the U. S. exploring expedition the same year, whose vessels did not enter the Columbia owing to the loss of the *Peacock* on the bar. After this disaster Wilkes bought the charter and the name of the *Perkins* was changed to the *Oregon*, and she left the river with the shipwrecked mariners for California. On the 2d of April 1842 Captain Couch reappeared with a new vessel, the *Chenamus*, named after the chief of the Chinooks. He brought a cargo of goods which he took to Oregon City, where he established the first American trading-house in the Willamette Valley, and also a small fishery on the Columbia. She sailed for Newburyport in the autumn. On this vessel came Richard Ekin from Liverpool to Valparaiso, the Sandwich Islands, and thence to Oregon. He settled near Salem and was the first saddle-maker. From which circumstance I call his dictation *The Saddle-Maker*. Another American vessel whose name does not appear, but whose captain's name was Chapman, entered the river April 10th to trade and fish, and remained till autumn. She sold liquor to the Clatsop and other savages, and occasioned much discord and bloodshed in spite of the protests of the missionaries. In May 1843 the ship *Fama*, Captain Nye, arrived with supplies for the missions. She brought several settlers, namely: Philip Foster, wife, and 4 children; F. W. Pettygrove, wife, and child; Peter F. Hatch, wife and child; and Nathan P. Mack. Pettygrove brought a stock of goods and began trade at Oregon City. In August of the same year another vessel of the Newburyport Company arrived with Indian goods, and some articles of trade for settlers. This was the bark *Pallas*, Captain Sylvester; she remained until November, when she sailed for the Islands and was sold there, Sylvester returning to Oregon the following April 1844 in the *Chenamus*, Captain Couch, which had made a voyage to Newburyport and returned. She brought from Honolulu Horace Holden and family, who settled in Oregon; also a Mr Cooper, wife and boy; Mr and Mrs Burton and 3 children, besides Griffin, Tidd, and Goodhue. The *Chenamus* seems to have made a voyage to the Islands in the spring of 1845, in command of Sylvester, and to have left there June 12th to return to the Columbia. This was the first direct trade with the Islands. The *Chenamus* brought as passengers Hathaway, Weston, Roberts, John Crankhite, and Elon Fellows. She sailed for Newburyport in the winter of 1845, and did not return to Oregon. In the summer of 1844 the British sloop-of-war *Modeste*, Captain Baillie, entered the Columbia and remained a short time at Vancouver. On the 31st of July the Belgian ship *L'Infatigable* entered the Columbia by the before undiscovered south channel, escaping wreck, to the surprise of all beholders. She brought De Smet and a Catholic reënforcement for the missions of Oregon. In April 1845 the Swedish brig *Bull* visited the Columbia; she was from China: Shilliber, supercargo. Captain Worngrew remained but a short time. On the 14th of October the American bark, *Toulon*, Captain Nathaniel Crosby, from New York, arrived with goods for Pettygrove's trading-houses in Oregon City and Portland: Benjamin Stark jun., supercargo. In September the British sloop-of-war *Modeste* returned to the Columbia, where she remained till June 1847. The British ship-of-war *America*, Captain Gordon, was in Puget Sound during the summer. In the spring of 1846 the *Toulon* made a voyage to the Hawaiian Islands, returning June 24th with a cargo of sugar, molasses, coffee,

all classes. Of these in the first six years not one was a trader; in the following six years seven were traders, but only four brought cargoes to sell to the settlers, and these of an ill-assorted kind. From March 1847 to August 1848 nine different American vessels visited the Columbia, of which one brought a

cotton, woollen goods, and hardware; also a number of passengers, viz.: Mrs Whittaker and 3 children, and Shelly, Armstrong, Rogers, Overton, Norris, Brothers, Powell, and French and 2 sons. The *Toulon* continued to run to the Islands for several years. On the 26th of June 1846 the American bark *Mariposa*, Captain Parsons, arrived from New York with goods consigned to Benjamin Stark jun., with Mr and Miss Wadsworth as passengers. The *Mariposa* remained but a few weeks in the river. On the 18th of July the U. S. schooner *Shark*, Captain Neil M. Howison, entered the Columbia, narrowly escaping shipwreck on the Chinook Shoal. She remained till Sept., and was wrecked going out of the mouth of the river. During the summer the British frigate *Fisgard*, Captain Duntre, was stationed in Puget Sound. About the 1st of March 1847 the brig *Henry*, Captain William K. Kilborne, arrived from Newburyport for the purpose of establishing a new trading-house at Oregon City. The *Henry* brought as passengers Mrs Kilborne and children; G. W. Lawton, a partner in the venture; D. Good, wife, and 2 children; Mrs Wilson and 2 children; H. Swasey and wife; R. Douglas, D. Markwood, C. C. Shaw, B. R. Marcellus, a d S. C. Reeves, who became the first pilot on the Columbia River bar. The goods brought by the *Henry* were of greater variety than any stock before it; but they were also in great part second-hand articles of furniture on which an enormous profit was made, but which sold readily owing to the great need of stoves, crockery, cabinet-ware, mirrors, and other like conveniences of life. The *Henry* was placed under the command of Captain Bray, and was employed trading to California and the Islands. On the 24th of March the brig *Commodore Stockton*, Captain Young, from San Francisco, arrived, probably for lumber, as she returned in April. The *Stockton* was the old *Pallas* renamed. On the 14th of June the American ship *Brutus*, Captain Adams, from Boston and San Francisco, arrived, and remained in the river several weeks for a cargo. On the 22d of the same month the American bark *Whiton*, Captain Gelston, from Monterey, arrived, also for a cargo; and on the 27th the American ship *Mount Vernon*, Captain O. J. Given, from Oahu, also entered the river. By the *Whiton* there came as settlers Rev. William Roberts, wife and 2 children, Rev. J. H. Wilbur, wife, and daughter, Edward F. Folger, Richard Andrews, George Whitlock, and J. M. Stanley, the latter a painter seeking Indian studies for pictures. The *Whiton* returned to California and made another visit to the Columbia River in September. On the 13th of August there arrived from Brest, France, the bark *L'Étoile du Matin*, Captain Menes, with Archbishop Blanchet and a Catholic reënforcement of 21 persons, viz.: Three Jesuit priests, Gaetz, Gazzoli, Menestrey, and 3 lay brothers; 5 secular priests, Le Bas, McCormick, Deleveau, Pretot, and Veyret; 2 deacons, B. Delorme, and J. F. Jayol; and one cleric, T. Mesplie; and 7 sisters of Notre Dame de Namur. Captain Menes afterwards engaged in merchandising in Oregon. *L'Étoile du Matin* was wrecked on the bar. On the 16th of March 1848 the U. S. transport *Anita*, Midshipman Woodworth in command, arrived in the Columbia to c[illegible] for t[illegible] army in Mexico, and remained until the 22d of April. About t[illegible]time the American brig *Eveline*, Captain Goodwin, entered the Columbia fo[illegible] a cargo of lumber; she left the river May 7th. The Hawaiian schooner *Mary Ann*, Captain Belcham, was also in the river in April. The 8th of May the Hudson's Bay Company's bark *Vancouver*, Captain Duncan, was lost after crossing the bar, with a cargo from London valued at £30,000, and unin-

stock of general merchandise, and the rest had come for provisions and lumber, chiefly for California. All the commerce of the country not carried on by these few vessels, most of them arriving and departing but once, was enjoyed by the British fur company, whose barks formed regular lines to the Sandwich Islands, California, and Sitka.

It happened that during 1846, the year following the incoming of three thousand persons, not a single ship from the Atlantic ports arrived at Oregon with merchandise, and that all the supplies for the year were brought from the Islands by the *Toulon*, the sole American vessel owned by an Oregon company, the *Chenamus* having gone home. This state of affairs occasioned much discontent, and an examination into causes. The principal grievance presented was the rule of the Hudson's Bay Company, which prohibited their vessels from carrying goods for persons not concerned with them. But the owners of the only two American vessels employed in transportation between the Columbia and other ports had

sured. She was in charge of the pilot, but missed stays when too near the south sands, and struck where the *Shark* was wrecked 2 years before. On the 27th of July the American schooner *Honolulu*, Captain Newell, entered the Columbia for provisions; and about the same time the British war-ship *Constance*, Captain Courtenay, arrived in Puget Sound. The Hawaiian schooner *Starling*, Captain Menzies, arrived the 10th of August in the river for a cargo of provisions. The *Henry* returned from California at the same time, with the news of the gold-discovery, which discovery opened a new era in the traffic of the Columbia. The close of the period was marked by the wreck of the whale-ship *Maine*, Captain Netcher, with 1,400 barrels of whale-oil, 150 of sperm-oil, and 14,000 pounds of bone. She had been two years from Fairhaven, Mass., and was a total loss. The American schooner *Maria*, Captain De Witt, was in the river at the same time, for a cargo of flour for San Francisco; also the sloop *Peacock*, Captain Gier; the brig *Sabine*, Captain Crosby; and the schooner *Ann*, Captain Melton; all for cargoes of flour and lumber for San Francisco. Later in the summer the *Harpooner*, Captain Morice, was in the river. The sources from which I have gleaned this information are *McLoughlin's Private Papers*, 2d ser., MS.; *Douglas' Private Papers*, 2d ser., MS; a list made by Joseph Hardisty of the Hudson's Bay Company, and published in the *Or. Spectator*, Aug. 19, 1851; *Parker's Journal; Kelley's Colonization of Or.; Townsend's Nar.; Lee and Frost's Or.; Hines' Or. Hist.; 27th Cong., 3d Sess., H. Com. Rept. 31*, 37; *Niles' Reg.*, lxi. 320; *Wilkes' Nar. U. S. Explor. Ex.*, iv. 312; *Athey's Workshops*, MS., 3; *Honolulu Friend; Monthly Shipping List; Pettygrove's Or.*, MS., 10; *Victor's River of the West*, 392, 398; *Honolulu News Shipping List*, 1848; *Sylvester's Olympia*, MS., 1–4; *Deady's Scrap-book*, 140; *Honolulu Gazette*, Dec. 3, 1836; *Honolulu Polynesian*, i. 10, 39, 51, 54; *Mack's Or.*, MS., 2; *Blanchet's Hist. Cath. Church in Or.*, 143, 158.

adopted the same rule, and refused to carry wheat, lumber, or any other productions of the country, for private individuals, having freight enough of their own.

The granaries and flouring-mills of the country were rapidly becoming overstocked; lumber, laths, and shingles were being made much faster than they could be disposed of, and there was no way to rid the colony of the over-production, while money was absolutely required for certain classes of goods. As it was declared by one of the leading colonists, "the best families in the country are eating their meals and drinking their tea and coffee—when our merchants can afford it—from tin plates and cups;[31] many articles of clothing and other things actually necessary for our consumption are not to be purchased in the country; our children are growing up in ignorance for want of school-books to educate them; and there has not been a plough-mould in the country for many months."

In the autumn of 1845 salt became scarce, and was raised in price from sixty-two and a half cents a bushel to two dollars at McLoughlin's store in Oregon City. The American merchants, Stark and Pettygrove, saw an opportunity of securing a monopoly of the salmon trade by withholding their salt, a cash article, from market, at any price, and many families were thereby compelled to dispense with this condiment for months. Such was the enmity of the people, however, toward McLoughlin as a British trader, that it was seriously proposed in Yamhill County to take by force the salt of the doctor, who was selling it, rather than to rob the American merchants who refused to sell.[32]

It was deemed a hardship while flour brought from ten to fifteen dollars a barrel in the Hawaiian Islands,

[31] McCarver, in *Or. Spectator*, July 4, 1846. Thornton says Mr Waymire paid Pettygrove, at Portland, $2.50 'for 6 very plain cups and saucers, which could be had in the States for 25 cents; and the same for 6 very ordinary and plain plates. Wheat at that time was worth $1 per bushel.' *Or. and Cal.*, ii. 52.

[32] *Bacon's Merc. Life in Or. City*, MS., 22.

and New York merchants made a profit by shipping it from Atlantic ports where wheat was worth more than twice its Oregon price, that for want of shipping, the fur company and two or three American merchants should be privileged to enjoy all the benefits of such a market, the farmers at the same time being kept in debt to the merchants by the low price of wheat. Many long articles were published in the *Spectator* exhibiting the enormous injury sustained on the one hand and the extraordinary profits enjoyed on the other, some of which were answered by James Douglas, who was annoyed by these attacks, for it was always the British and not the American traders who were blamed for taking advantage of their opportunity. The fur company had no right to avail themselves of the circumstances causing fluctuation; only the Americans might fatten themselves on the wants of the people. If the fur company kept down the price of wheat, the American merchants forced up the price of merchandise, and if the former occasionally made out a cargo by carrying the flour or lumber of their neighbors to the Islands, they charged them as much as a vessel coming all the way out from New York would do, and for a passage to Honolulu one hundred dollars. In the summer of 1846 the supercargo of the *Toulon*, Benjamin Stark, jun., after carrying out flour for Abernethy, refused to take the return freight except upon such terms as to make acceptance out of the question; his object being to get his own goods first to market and obtain the price consequent on the scarcity of the supply.[33] Palmer relates that the American merchants petitioned the Hudson's Bay Company to advance their prices; and that it was agreed to sell to Americans at a higher price than that charged to their own people, an arrangement that lasted for two years.[34]

[33] *Or. Spectator*, July 23, 1846; *Howison's Coast and Country*, MS., 21; *Waldo's Critiques*, MS., 18.
[34] *Palmer's Journal*, 117-18; *Roberts' Recollections*, MS., 67.

The colonists felt that instead of being half-clad, and deprived of the customary conveniences of living, they ought to be selling from the abundance of their farms to the American fleet in the Pacific, and reaching out toward the islands of the ocean and to China with ships of their own. To remedy the evil and bring about the result aspired to, a plan was proposed through the *Spectator*, whereby without money a joint-stock company should be organized for carrying on the commerce of the colony in opposition to the merchants, British or American. This plan was to make the capital stock consist of six hundred thousand or eight hundred thousand bushels of wheat divided into shares of one hundred bushels each. When the stock should be taken and officers elected, bonds should be executed for as much money as would buy or build a schooner and buy or erect a grist-mill.

A meeting was called for the 16th of January 1847, to be held at the Methodist meeting-house in Tualatin plains. Two meeting were held, but the conclusion arrived at was adverse to a chartered company; the plan adopted for disposing of their surplus wheat being to select and authorize an agent at Oregon City to receive and sell the grain, and import the goods desired by the owners. A committee was chosen to consider proposals from persons bidding, and Governor Abernethy was selected as miller, agent, and importer. Twenty-eight shares were taken at the second meeting in Yamhill. An invitation was extended to other counties to hold meetings, correspond, and fit themselves intelligently to carry forward the project, which ultimately would bring about the formation of a chartered company.[35] The scheme appeared to be on the

[35] The leaders in the movement seem to have been E. Lennox, M. M. McCarver, David Hill, J. L. Meek, Lawrence Hall, J. S. Griffin, and Caffenburg of Yamhill; David Leslie, L. H. Judson, A. A. Robinson, J. S. Smith, Charles Bennett, J. B. McClane, Robert Newell, T. J. Hubbard, and E. Dupuis of Champoeg. *Or. Spectator*, March 4 and April 29, 1847; *S. F. California Star*, Feb. 27, 1847.

way to success, when an unlooked-for check was received in the loss of a good portion of the year's crop, by late rains which damaged the grain in the fields. This deficiency was followed by the large immigration of that year which raised the price of wheat to double its former value, and rendered unnecessary the plan of exporting it; while the Cayuse war, following closely upon these events, absorbed much of the surplus means of the colony.

Previous to 1848 the trade of Oregon was with the Hawaiian Islands principally, and the exports amounted in 1847 to $54,784.99.[36] This trade fell off in 1848 to $14,986.57; not on account of a decrease in exports which had in fact been largely augmented, as the increase in the shipping shows, but from being diverted to California by the American conquest and settlement; the demand for lumber and flour beginning some months before the discovery of gold.[37]

The colonial period of Oregon, which may be likened to man's infancy, and which had struggled through numerous disorders peculiar to this phase of existence, had still to contend against the constantly recurring nakedness. From the fact that down to the close of 1848 only five ill-assorted cargoes of American goods had arrived from Atlantic ports,[38] which were partially

[36] *Polynesian*, iv. 135. I notice an advertisement in *S. I. Friend*, April 1845, where Albert E. Wilson, at Astoria, offers his services as commission merchant to persons at the Islands.

[37] *Thornton's Or. and Cal.*, ii. 63.

[38] The cargo of the *Toulon*, the last and largest supply down to the close of 1845, consisted of '20 cases wooden clocks, 20 bbls. dried apples, 3 small mills, 1 doz. crosscut-saws, mill-saws and saw-sets, mill-cranks, ploughshares, and pitchforks, 1 winnowing-machine, 100 casks of cut nails, 50 boxes saddler's tacks, 6 boxes carpenter's tools, 12 doz. hand-axes, 20 boxes manufactured tobacco, 5,000 cigars, 50 kegs white lead, 100 kegs of paint, ½ doz. medicine-chests, 50 bags Rio coffee, 25 bags pepper, 200 boxes soap, 50 cases boots and shoes, 6 cases slippers, 50 cane-seat chairs, 40 doz. wooden-seat chairs, 50 doz. sarsaparilla, 10 bales sheetings, 4 cases assorted prints, one bale damask tartan shawls, 5 pieces striped jeans, 6 doz. satinet jackets, 12 doz. linen duck pants, 10 doz. cotton duck pants, 12 doz. red flannel shirts, 200 dozen cotton handkerchiefs, 6 cases white cotton flannels, 6 bales extra heavy indigo-blue cotton, 2 cases negro prints, 1 case black velveteen, 4 bales Mackinaw blankets, 150 casks and bbls. molasses, 450 bags sugar, etc., for sale at reduced prices for cash.' *Or. Spectator*, Feb. 5, 1846.

replenished by purchases of groceries made in the Sandwich Islands, and that only the last cargo, that of the *Henry* in 1847, brought out any assortment of goods for women's wear,[39] it is strikingly apparent that the greatest want in Oregon was the want of clothes.

The children of some of the foremost men in the farming districts attended school with but a single garment, which was made of coarse cotton sheeting dyed with copperas a tawny yellow. During the Cayuse war some young house-keepers cut up their only pair of sheets to make shirts for their husbands. Some women, as well as men, dressed in buckskin, and instead of in ermine justice was forced to appear in blue shirts and with bare feet.[40] And this notwithstanding the annual ship-load of Hudson's Bay goods. In 1848 not a single vessel loaded with goods for Oregon entered the river, and to heighten the destitution the fur company's bark *Vancouver* was lost at the entrance to the river on the 8th of May, with a valuable cargo of the articles most in demand, which were agricultural implements and dry-goods, in addition to the usual stock in trade. Instead of the wives and daughters of the colonists being clad in garments becoming their sex and position, the natives of the lower Columbia decked in damaged English silks[41] picked up along the beach, gathered in great glee their summer crop of blackberries among the mountains. The wreck of the *Vancouver* was a great shock to the colony. A large amount of grain had been sown in anticipation of the

[39] The *Henry* brought 'silks, mousseline de laines, cashemeres, d'écosse, balzarines, muslins, lawns, brown and bleached cottons, cambrics, tartan and net-wool shawls, ladies and misses cotton hose, white and colored, cotton and silk handkerchiefs.' *Id.*, April 1, 1847.

[40] These facts I have gathered from conversations with many of the pioneers. They have also been alluded to in print by Burnett, Adams, Moss, Nesmith, and Minto, and in most of the manuscript authorities. Moss tells an anecdote of Straight when he was elected to the legislature in 1845. He had no coat, and was distressed on account of the appearance he should make in a striped shirt. Moss having just been so fortunate as to have a coat made by a tailor sold it to him for $40 in scrip, which has never been redeemed. *Pioneer Times*, MS., 43-4.

[41] *Crawford's Nar.*, MS., 147; *S. F. Californian*, May 24, 1848.

demand in California for flour, which it would be impossible to harvest with the means at hand; and although by some rude appliances the loss was partially overcome it could not be wholly redeemed. To add to their misfortunes, the whale-ship *Maine* was wrecked at the same place on the 23d of August, by which the gains of a two years' cruise were lost, together with the ship.

The disaster to this second vessel was a severe blow to the colonists, who had always anticipated great profits from making the Columbia River a rendezvous for the whaling-fleet on the north-west coast. Some of the owners in the east had recommended their sailing-masters to seek supplies in Oregon, out of a desire to assist the colonists. But it was their ill-fortune to have the first whaler attempting entrance broken up on the sands where two United States vessels, the *Peacock* and *Shark*, had been lost.[42] Ever since the wreck of the *Shark* efforts had been made to inaugurate a proper system of pilotage on the bar, and one of the constant petitions to congress was for a steam-tug. In the absence of this benefit the Oregon legislature in the winter of 1846 passed an act establishing pilotage on the bar of the Columbia, creating a board of commissioners, of which the governor was one, with power to choose four others, who should examine and appoint suitable persons as pilots.[43]

The first American pilot was S. C. Reeves, who arrived in the brig *Henry* from Newburyport, in March 1847, and was appointed in April.[44] He went immediately to Astoria to study the channel, and was believed to be competent.[45] But the disaster of 1848

[42] During the winter of 1845–6, 4 American whalers were lying at Vancouver Island, the ships *Morrison* of Mass., *Louise* of Conn., and 2 others. Six seamen deserted in a whale-boat, but the Indians would not allow them to land, and being compelled to put to sea a storm arose and 3 of them perished, Robert Church, Frederick Smith, and Rice of New London. *Niles' Reg.*, lxx. 341.

[43] *Or. Spectator*, Jan. 7, 1847; *Or. Laws*, 1843–9, 46.

[44] The *S. I. Friend* of Feb. 1849 said that the first and third mates of the *Maine* had determined to remain in Oregon as pilots.

[45] The Hudson's Bay Company had no pilots and no charts, and wanted

caused him to be censured, and removed on the charge of conniving at the wreck of the *Vancouver* for the sake of plunder; a puerile and ill-founded accusation, though his services might well be dispensed with on the ground of incompetency.[46]

If the sands of the bar shifted so much that there were six fathoms in the spring of 1847 where there were but two and a half in 1846, as was stated by captains of vessels,[47] I see no reason for doubting that a sufficient change may have taken place in the winter of 1847–8, to endanger a vessel depending upon the wind. But however great the real dangers of the Columbia bar, and perhaps because they were great,[48] the

none, though they had lost 2 vessels, the *William and Ann*, in 1828, and the *Isabella* in 1830, in entering the river. Their captains learned the north channel and used it; and one of their mates, Latta, often acted as pilot to new arrivals. Parrish says, that in 1840 Captain Butler of the Sandwich Islands, who came on board the *Lausanne* to take her over the Columbia Bar, had not been in the Columbia for 27 years. *Or. Anecdotes*, MS., 6, 7. After coming into Baker Bay the ship was taken in charge by Birnie as far as Astoria, and from there to Vancouver by a Chinook Indian called George or 'King George,' who knew the river tolerably well. A great deal of time was lost waiting for this chance pilotage. See *Townsend's Nar.*, 180.

[46] The first account of the wreck in the *Spectator* of May 18, 1848, fully exonerates the pilot; but subsequent published statements in the same paper for July 27th, speak of the removal on charges preferred against him and others, of secreting goods from the wreck. Reeves went to California in the autumn in an open boat with two spars carried on the sides as outriggers, as elsewhere mentioned. In Dec. he returned to Oregon in charge of the Spanish bark *Jóven Guipuzcoana*, which was loaded with lumber, flour, and passengers, and sailed again for San Francisco in March. He became master of a small sloop, the *Flora*, which capsized in Suisun Bay, while carrying a party to the mines, in May 1849, by which he, a young man named Loomis, from Oregon, and several others were drowned. *Crawford's Nar.*, MS., 191.

[47] Howison declared that the south channel was 'almost closed up' in 1846, yet in the spring of 1847 Reeves took the brig *Henry* out through it, and continued to use it during the summer. *Or. Spectator*, Oct. 14, 1847; *Hunt's Merch. Mag.*, xxiii. 358, 560–1.

[48] Kelley and Slacum both advocated an artificial mouth to the Columbia. *25th Cong.*, *3d Sess.*, *H. Com. Rept. 101*, 41, 56. Wilkes reported rather adversely than otherwise of its safety. Howison charged that Wilkes' charts were worthless, not because the survey was not properly made, but because constant alterations were going on which rendered frequent surveys necessary, and also the constant explorations of resident pilots. *Coast and Country*, MS., 8–9. About the time of the agitation of the Oregon Question in the United States and England, much was said of the Columbia bar. A writer in the *Edinburgh Review*, July 1845, declared the Columbia 'inaccessible for 8 months of the year.' Twiss, in his *Or. Ques.*, 370, represented the entrance to the Columbia as dangerous. A writer in *Niles' Reg.*, lxx. 284, remarked that from all that had been said and printed on the subject for several years the impression was given that the mouth of the Columbia 'was so dangerous to navigate as to be nearly inaccessible.' *Findlay's Directory*, i. 357–71; *S. I.*

colonists objected to having them magnified by rumor rather than alleviated by the means usual in such cases, and while they discharged Reeves, they used the *Spectator* freely to correct unfavorable impressions abroad. There were others who had been employed as branch pilots, and who still exercised their vocation, and certain captains who became pilots for their own or the vessels of others;[49] but there was a time following Reeves' dismissal, when the shipping which soon after formed a considerable fleet in the Columbia, ran risks enough to vindicate the character of the harbor, even though as sometimes happened a vessel was lost at the mouth of the river.

Friend, Nov. 2, 1846; *Id.*, March 15, June 1, 1847; *Album Mexicana*, i. 573–4; *S. F. Polynesian*, iv. 110; *S. F. Californian*, Sept. 2, 1848; *Thornton's Or. and Cal.*, i. 305; *Niles' Reg.*, lxix. 381. Senator Benton was the first to take up the championship of the river, which he did in a speech delivered May 28, 1846. He showed that while Wilkes' narrative fostered a poor opinion of the entrance to the Columbia, the chart accompanying the narrative showed it to be good; and the questions he put in writing to James Blair, son of Francis P. Blair, one of the midshipmen who surveyed it (the others were Reynolds and Knox), proved the same. Further, he had consulted John Maginn, for 18 years pilot at New York, and then president of the New York association of pilots, who had a bill on pilotage before congress, and had asked him to compare the entrance of New York harbor with that of the Columbia, to which Maginn had distinctly returned answer that the Columbia had far the better entrance in everything that constituted a good harbor. *Cong. Globe*, 1845–6, 915; *Id.*, 921–2. When Vancouver surveyed the river in 1792 there existed but one channel. In 1839 when Belcher surveyed it 2 channels existed, and Sand Island was a mile and a half long, covering an area of 4 square miles, where in Vancouver's time there were 5 fathoms of water. In 1841 Wilkes found the south channel closed with accretions from Clatsop Spit, and the middle sands had changed their shape. In 1844, as we have seen, it was open, and in 1846 almost closed again, but once more open in 1847. Subsequent government surveys have noted many changes. In 1850 the south channel was in a new place, and ran in a different direction from the old one; in 1852 the new channel was fully cut out, and the bar had moved three fourths of a mile eastward with a wider entrance, and 3 feet more water. The north channel had contracted to half its width at the bar, with its northern line on the line of 1850. The depth was reduced, but there was still one fathom more of water than on the south bar; and other changes had taken place. In 1859 the south channel was again closed, and again in 1868 discovered to be open, with a fathom more water than in the north channel, which held pretty nearly its former position. From these observations it is manifest that the north channel maintains itself with but slight changes, while the south channel is subject to variations, and the middle sands and Clatsop and Chinook spits are constantly shifting. Report of Bvt. Major Gillespie, Engineer Corps, U. S. A., Dec. 18, 1878, in *Daily Astorian*.

[49] Captain N. Crosby is spoken of as taking vessels in and out of the river. This gentleman became thoroughly identified with the interests of Oregon, and especially of Portland, and of shipping, and did much to establish a trade with China.

In the matter of interior transportation there was not in 1848 much improvement over the Indian canoe or the fur company's barge and bateau. The maritime industries seem rather to have been neglected in early times on the north-west coast notwithstanding its natural features seemed to suggest the usefulness if not the necessity of seamanship and nautical science. Since the building of the little thirty-ton schooner *Dolly* at Astoria in 1811 for the Pacific Fur Company, few vessels of any description had been constructed in Oregon. Kelley related that he saw in 1834 a ship-yard at Vancouver where several vessels had been built, and where ships were repaired,[50] which is likely enough, but they were small and clumsy affairs,[51] and few probably ever went to sea. Some barges and a sloop or two are mentioned by the earliest settlers as on the rivers carrying wheat from Oregon City to Vancouver, which served also to convey families of settlers down the Columbia.[52] The *Star of Oregon* built in the Willamette in 1841, was the second vessel belonging to Americans constructed in these waters.

The first vessel constructed by an individual owner, or for colonial trade, was a sloop of twenty-five tons, built in 1845 by an Englishman named Cook, and called the *Calapooya*. I have also mentioned that she proved of great service to the immigrants of that year on the Columbia and Lower Willamette. The first keel-boats above the falls were owned by Robert Newell, and built in the winter of 1845–6, to ply between Ore-

[50] *25th Cong., 3d Sess., H. Sup. Rept. 101*, 59.

[51] The schooner (not the bark) *Vancouver* was built at Vancouver in 1829. She was about 150 tons burden, and poorly constructed; and was lost on Rose Spit at the north end of the Queen Charlotte Island in 1834. Captain Duncan ran her aground in open day. The crew got ashore on the mainland, and reached Fort Simpson, Nass River, in June. *Roberts' Recollections*, MS., 43.

[52] *Mack's Or.*, MS., 2; *Ebberts' Trapper's Life*, MS., 44; *Or. Spectator*, April 16, 1846. There is mention in the *Spectator* of June 25, 1846, of the launching at Vancouver of *The Prince of Wales*, a vessel of 70 feet keel, 18 feet beam, 14 feet below, with a tonnage register of 74. She was constructed by the company's ship-builder, Scarth, and christened by Miss Douglas, escorted by Captain Baillie of the *Modeste*, amidst a large concourse of people.

gon City and Champoeg, the *Mogul* and the *Ben Franklin*. From the fact that the fare was one dollar in orders, and fifty cents in cash, may be seen the estimation in which the paper currency of the time was held. Other similar craft soon followed,[53] and were esteemed important additions to the comfort of travellers, as well as an aid to business. Other transportation than that by water there was none, except the slow-moving ox-wagon.[54] Stephen H. L. Meek advertised to take freight or passengers from Oregon City to Tualatin plains by such a conveyance, the wagon being a covered one, and the team consisting of eight oxen.[55] Medorum Crawford transported goods or passengers around the falls at Oregon City for a number of years with ox-teams.[56]

The men in the valley from the constant habit of being so much on horseback became very good riders. The Canadian young men and women were especially fine equestrians and sat their lively and often vicious Cayuse horses as if part of the animal; and on Sunday, when in gala dress, they made a striking appearance, being handsome in form as well as graceful riders.[57] The Americans also adopted the custom of 'loping' practised by the horsemen of the Pacific coast, which gave the rider so long and easy a swing, and carried him so fast over the ground. They also became skilful in throwing the lasso and catching wild cattle. Indeed, so profitable was cattle-raising, and so

[53] *Or. Spectator*, May 28, 1846. The *Great Western* ran in opposition to Newell's boats in May; and two other clinker-built boats were launched in the same month to run between Oregon City and Portland. In June following I notice mention of the *Salt River Packet*, Captain Gray, plying between Oregon and Astoria with passengers. *Id.*, June 11, 1846; *Brown's Will. Valley*, MS., 30; *Bacon's Merc. Life Or. City*, MS., 12; *Weed's Queen Charlotte I. Exped.*, MS., 3.

[54] Brown, in his *Willamette Valley*, MS., 6, says that before 1849 there was not a span of horses harnessed to a wagon in the territory; and that the first set of harness he saw was brought from California. On account of the roadless condition of the country at its first settlement, horses were little used in harness, but it is certain that many horse-teams came across the plains whose harnesses may having been hanging unused, or made into gearing for riding-animals or for horses doing farm-work.

[55] *Or. Spectator*, Oct. 29, 1846.

[56] *Crawford's Missionaries*, MS., 13–15.

[57] *Minto's Early Days*, MS., 31.

agreeable the free life of the herdsman or owner of stock, who flitted over the endless green meadows, clad in fringed buckskin, with Spanish spurs jingling on his heels, and a crimson silk scarf tied about the waist,[58] that to aspiring lads the life of a vaquero offered attractions superior to those of soil-stirring.

He who would a wooing go, if unable to return the same day, carried his blankets, and at night threw himself upon the floor and slept till morning, when he might breakfast before leave-taking.

If there were none of the usual means of travel, neither were there mail facilities till 1848. Letters were carried by private persons, who received pay or not according to circumstances. The legislature of 1845 in December enacted a law establishing a general post-office at Oregon City, with W. G. T'Vault[59] as postmaster-general, but the funds of the provisional government were too scanty and the settlements too scattered to make it possible to carry out the intention of the act.[60]

[58] If we may believe some of these same youths, no longer young, they were not always so gayly apparelled and mounted. Says one: 'We rode with a rawhide saddle, bridle, and lasso. The bit was Spanish, the stirrups wooden, the sinch horse-hair, and over all these, rider and all, was a blanket with a hole in it through which the head of the rider protruded.' Quite a suitable costume for rainy weather. *McMinnville Reporter*, Jan. 4, 1877.

[59] W. G. T'Vault was born in Arkansas, whence he removed to Illinois in 1843, and to Oregon in 1844. He was a lawyer, energetic and adventurous, foremost in many exploring expeditions, and also a strong partisan with southern-democracy proclivities. He possessed literary abilities and had something to do with early newspapers, first with the *Spectator*, as president of the Oregon printing association, and as its first editor; afterward as editor of the *Table Rock Sentinel*, the first newspaper in southern Oregon; and later of *The Intelligencer*. He was elected to the legislature in 1846. After the establishment of the territory he was again elected to the legislature, being speaker of the house in 1858. He was twice prosecuting attorney of the 1st judicial district, comprising Jackson County, to which he had removed after the discovery of gold in Rogue River Valley, and held other public positions. When the mining excitement was at its height in Idaho, he was practising his profession and editing the *Index* in Silver City. Toward the close of his life, he deteriorated through the influence of his political associations, and lost caste among his fellow-pioneers. He died of small-pox at Jacksonville in 1869. *Daily Salem Unionist*, Feb. 1869; *Deady's Scrap-book*, 122; *Jacksonville, Or., Sentinel*, Feb. 6, 1869; *Dallas Polk Co. Signal*, Feb. 16, 1869.

[60] By the post-office act, postage on letters of a single sheet conveyed for a distance not exceeding 30 miles was fixed at 15 cents; over and not exceeding 80 miles, 25 cents; over and not exceeding 200 miles, 30 cents; 200 miles, 50 cents. Newspapers, each 4 cents. The postmaster-general was to receive 10

The first contract let was to Hugh Burns in the spring of 1846, who was to carry the mail once to Weston, in Missouri, for fifty cents a single sheet. After a six months trial the postmaster-general had become assured that the office was not remunerative, the expense of sending a semi-monthly mail to each county south of the Columbia having been borne chiefly by private subscription; and advertised that the mail to the different points would be discontinued, but that should any important news arrive at Oregon City, it would be despatched to the several offices. The post-office law, however, remained in force as far as practicable but no regular mail service was inaugurated until the autumn of 1847, when the United States department gave Oregon a deputy-postmaster in John M. Shively, and a special agent in Cornelius Gilliam. The latter immediately advertised for proposals for carrying the mail from Oregon City to Astoria and back, from the same to Mary River[61] and back, including intermediate offices, and from the same to Fort Vancouver, Nisqually, and Admiralty Inlet. From this time the history of the mail service belongs to another period.

The social and educational affairs of the colony had by 1848 begun to assume shape, after the fashion of older communities. The first issue of the *Spectator* contained a notice for a meeting of masons to be held the 21st of February 1846, to adopt measures for obtaining a charter for a lodge. The notice was issued by Joseph Hull, P. G. Stewart, and William P. Dougherty. A charter was issued by the grand lodge of Missouri on the 19th of October 1846, to Multnomah lodge, No. 84, in Oregon City. This charter

per cent of all moneys by him received and paid out. The act was made conformable to the United States laws regulating the post-office department, so far as they were applicable to the condition of Oregon. *Or. Spectator*, Feb. 5, 1846. See T'Vault's instructions to postmasters, in *Id.*, March 5, 1846.

[61] Mary River signified to where Corvallis now stands. When that town was first laid off it was called Marysville.

was brought across the plains in an emigrant wagon in 1848, intrusted to the care of P. B. Cornwall, who turning off to California placed it in charge of Orrin Kellogg, who brought it safely to Oregon City and delivered it to Joseph Hull. Under this authority Multnomah lodge was opened September 11, 1848, Joseph Hull, W. M.; W. P. Dougherty, S. W., and T. C. Cason, J. W. J. C. Ainsworth was the first worshipful master elected under this charter.[62]

A dispensation for establishing an Odd Fellows lodge was also applied for in 1846, but not obtained till 1852.[63] The Multnomah circulating library was a chartered institution, with branches in the different counties; and the members of the Falls Association, a literary society which seems to have been a part of the library scheme, contributed to the *Spectator* prose and verse of no mean quality.

The small and scattered population and the scarcity of school-books were serious drawbacks to education. Continuous arrivals, and the printing of a large edition of *Webster's Elementary Spelling Book* by the Oregon printing association, removed some of the obstacles to advancement[64] in the common schools. Of private schools and academies there were already several besides the Oregon Institute and the Catholic schools. Of the latter there were St Joseph[65] for

[62] Address of Grand Master Chadwick, in *Freka Union*, Jan. 17, 1874; *Seattle Tribune*, Aug. 27, 1875; *Olympia Transcript*, Aug. 2, 1875.

[63] This was on account of the miscarriage of the warrant, which was sent to Oregon in 1847 by way of Honolulu, but which did not reach there, the person to whom it was sent, Gilbert Watson, dying at the Islands in 1848. A. V. Fraser, who was sent out by the government in the following year to supervise the revenue service on the Pacific coast, was then appointed a special commissioner to establish the order in California and Oregon; but the gold discoveries gave him so much to do that he did not get to Oregon, and it was not until 3 years afterward that Chemeketa lodge No. 1 was established at Salem. The first lodge at Portland was instituted in 1853. E. M. Barnum's Early Hist. Odd Fellowship in Or., in *Jour. of Proceedings of Grand Lodge I. O. O. F. for 1877*, 2075–84; H. H. Gilfrey in same, 2085; C. D. Moore's Historical Review of Odd Fellowship in Or., *25th Anniversary of Chemeketa Lodge*, Dec. 1877; *S. F. New Age*, Jan. 7, 1865; *Constitution*, etc., Portland, 1871.

[64] *S. I. Friend*, Sept. 1847, 140; *Or. Spectator*, Feb. 18, 1847.

[65] Named after Joseph La Roque of Paris who furnished the funds for its erection. *De Smet's Or. Miss.*, 41.

boys at St Paul on French Prairie, and two schools for girls, one at Oregon City and one at St Mary, taught by the sisters of Notre Dame. An academy known as Jefferson Institute was located in La Creole Valley near the residence of Nathaniel Ford, who was one of the trustees. William Beagle and James Howard were the others, and J. E. Lyle principal. On the Tualatin plains Rev. Harvey Clark had opened a school which in 1846 had attained to some promise of success, and in 1847 a board of trustees was established. Out of this germ developed two years later the Tualatin Academy, incorporated in September 1849, which developed into the Pacific University in 1853-4.

The history of this institution reflects credit upon its founders in more than an ordinary degree. Harvey Clark, it will be remembered, was one of the independent missionaries, with no wealthy board at his back from whose funds he could obtain a few hundred or thousand of dollars. When he failed to find missionary work among the natives, he settled on the Tualatin plains upon a land-claim where the academic town of Forest Grove now stands, and taught as early as 1842 a few children of the other settlers. In 1846 there came to Oregon, by the southern route, enduring all the hardships of the belated immigration, a woman sixty-eight years of age, with her children and grandchildren, Mrs Tabitha Brown.[66] Her kind heart was pained at the number of orphans left to charity by the sickness among

[66] Tabitha Moffat Brown was born in the town of Brinfield, Mass., May 1, 1780. Her father was Dr Joseph Moffat. At the age of 19 she mar- Rev. Clark Brown of Stonington, Conn., of the Episcopal church. In the changes of his ministerial life Brown removed to Maryland, where he died early, leaving his widow with 3 children surrounded by an illiterate people. She opened a school and for 8 years continued to teach, supporting her children until the 2 boys were apprenticed to trades, and assisting them to start in business. The family finally moved to Missouri. Here her children prospered, but one of the sons, Orris Brown, visited Oregon in 1843, returning to Missouri in 1845 with Dr White and emigrating with his mother and family in 1846. His sister and brother-in-law, Virgil K. Pringle, also accompanied him; and it is from a letter of Mrs Pringle that this sketch has been obtained.

the immigrants of 1847, with no promise of proper care or training. She spoke of the matter to Harvey Clark who asked her what she would do. "If I had the means I would establish myself in a comfortable home, receive all poor children, and be a mother to them," said Mrs Brown. "Are you in earnest?" asked Clark. "Yes." "Then I will try with you, and see what can be done."

There was a log meeting-house on Clark's land, and in this building Mrs Brown was placed, and the work of charity began, the settlers contributing such articles of furnishing as they could spare. The plan was to receive any children to be taught; those whose parents could afford it, to pay at the rate of five dollars a week for board, care, and tuition, and those who had nothing, to come free. In 1848 there were about forty children in the school, of whom the greater part were boarders;[67] Mrs Clark teaching and Mrs Brown having charge of the family, which was healthy and happy, and devoted to its guardian. In a short time Rev. Cushing Eells was employed as teacher.

There came to Oregon about this time Rev. George H. Atkinson, under the auspices of the Home Missionary Society of Boston.[68] He had in view the estab-

[67] 'In 1851,' writes Mrs Brown, 'I had 40 in my family at $2.50 per week; and mixed with my own hands 3,423 pounds of flour in less than 5 months.' Yet she was a small woman, had been lame many years, and was nearly 70 years of age. She died in 1857. See *Or. Argus*, May 17, 1856; *Portland West Shore*, Dec., 1879.

[68] Atkinson was born in Newbury, Vermont. He was related to Josiah Little of Massachusetts. One of his aunts, born in 1760, Mrs Anne Harris, lived to within 4 months of the age of 100 years, and remembered well the feeling caused in Newburyport one Sunday morning by the tidings of the death of the great preacher Whitefield; and also the events of the French empire and American revolution. Mr Atkinson left Boston, with his wife, in October 1847, on board the bark *Samoset*, Captain Hollis, and reached the Hawaiian Islands in the following February, whence he sailed again for the Columbia in the Hudson's Bay Company's bark *Cowlitz*, Captain Weyington, May 23d, arriving at Vancouver on the 20th of June 1848. He at once entered upon the duties of his profession, organized the Oregon association of Congregational ministers, also the Oregon tract society, and joined in the effort to found a school at Forest Grove. He corresponded for a time with the *Home Missionary*, a Boston publication, from which I have gathered some fragments of the history of Oregon from 1848 to 1851, during the height of the gold excitement. Mr Atkinson became pastor of the Congregational church in Oregon City in 1853; and was for many years the pastor of the first Congregational

lishment of a college under the patronage of the Congregational church and finding his brethren in Oregon about to erect a new building for the school at Tualatin plains, and to organize a board of trustees, an arrangement was entered into by which the orphan school was placed in the hands of the trustees as the foundation of the proposed college, which at first aspired only to be called the Tualatin academy.

Clark gave two hundred acres of his land-claim for a college and town-site, and Mrs Brown gave a lot belonging to her, and five hundred dollars earned by herself. Subsequently she presented a bell to the Congregational church erected on the town-site; and immediately before her death gave her own house and lot to the Pacific University. She was indeed earnest and honest in her devotion to Christian charity; may her name ever be held in holy remembrance.

Mr Clark also sold one hundred and fifty acres of his remaining land for the benefit of the institution of which he and Mrs Brown were the founders. It is said of Clark, "he lived in poverty that he might do good to others." He died March 24, 1858, at Forest Grove, being still in the prime of life.[69] What was so well begun before 1848 continued to grow with the development of the country, and under the fostering care of new friends as well as old, became one of the leading independent educational institutions of the north-west coast.[70]

church in Portland. His health failing about 1866, he gave way to younger men; but he continued to labor as a missionary of religion and temperance in newer fields as his strength permitted. Nor did he neglect other fields of labor in the interest of Oregon, contributing many valuable articles on the general features and resources of the country. Added to all was an unspotted reputation, the memory of which will be ever cherished by his descendants, 2 sons and a daughter, the latter married to Frank Warren jun. of Portland.

[69] *Evans' Hist. Or.*, MS., 341; *Gray's Hist. Or.*, 231; *Deady's Hist. Or.*, MS., 54; *Or. Argus*, April 10, 1858. Clark's daughter married George H. Durham of Portland.

[70] The first board of trustees was composed of Rev. Harvey Clark, Hiram Clark, Rev. Lewis Thompson, W. H. Gray, Alvin T. Smith, James M. Moore, Osborne Russell, and G. H. Atkinson. The land given by Clark was laid out in blocks and lots, except 20 acres reserved for a *campus*, the half of which was donated by Rev. E. Walker. A building was erected during the reign of high prices, in 1850–1, which cost, unfinished, $7,000; $5,000 of which

A private school for young ladies was kept at Oregon City by Mrs N. M. Thornton, wife of Judge Thornton. It opened February 1, 1847. The pupils were taught "all the branches usually comprised in a thorough English education, together with plain and fancy needle-work, drawing, and painting in mezzotints and water-colors."[71] Mrs Thornton's school was patronized by James Douglas and other persons of distinction in the country. The first effort made at establishing a common-school board was early in 1847 in

came from the sale of lots, and by contributions. In 1852 Mr Atkinson went east to solicit aid from the college society, which had promised to endow to some extent a college in Oregon. The Pacific University was placed the ninth on their list, with an annual sum granted of $600 to support a permanent professor. From other sources he received $800 in money, and $700 in books for a library. Looking about for a professor, a young theological student, S. H. Marsh, son of Rev. Dr Marsh of Burlington College, was secured as principal, and with him, and the funds and books, Mr Atkinson returned in 1853. In the mean time J. M. Keeler, fresh from Union college, Schenectady, New York, had taken charge of the academy as principal, and had formed a preparatory class before the arrival of Marsh. The people began to take a lively interest in the university, and in 1854 subscribed in lands and money $6,500, and partially pledged $3,500 more. On the 13th of April 1854 Marsh was chosen president, but was not formally inaugurated until August 21, 1855. This year Keeler went to Portland, and E. D. Shattuck took his place as principal of the academy which also embraced a class of young ladies. The institution struggled on, but in 1856–7 some of its most advanced students left it to go to the better endowed eastern colleges. This led the trustees and president to make a special effort, and Marsh went to New York to secure further aid, leaving the university department in the charge of Rev. H. Lyman, professor of mathematics, who associated with him Rev. C. Eells. The help received from the college society and others in the east, enabled the university to improve the general *régime* of the university. The first graduate was Harvey W. Scott, who in 1863 took his final degree. In 1866 there were 4 graduates. In June 1867 the president having again visited the east for further aid, over $25,000 was subscribed and 2 additional professors secured: G. H. Collier, professor of natural sciences, and J. W. Marsh, professor of languages. In May 1868 there were $44,303.60 invested funds, and a library of 5,000 volumes. A third visit to the east in 1869 secured over $20,000 for a presidential endowment fund. The university had in 1876, in funds and other property, $85,000 for its support. The buildings are however of a poor character for college purposes, being built of wood, and not well constructed, and $100,000 would be required to put the university in good condition. President Marsh died in 1879, and was succeeded by J. R. Herrick. Though founded by Congregationalists, the Pacific University was not controlled by them in a sectarian spirit; and its professors were allowed full liberty in their teaching. Forest Grove, the seat of this institution, is a pretty village nestled among groves of oaks and firs near the Coast Range foot-hills. Centennial Year Hist. Pacific University, in *Portland Oregonian*, Feb. 12, 1876; *Victor's Or. and Wash.*, 189–90; *Or. Argus*, Sept. 1, 1855; *Deady's Hist. Or.*, MS., 54.

[71] Mrs Thornton wrote to the *S. I. Friend* that she was very comfortably settled in a log-house, walked a mile to her school every morning, and was never more contented in her life.

Tualatin County, Rev. J. S. Griffin secretary;[72] but no legislative action was taken until a later period. Besides the spelling-book printed in 1847, Henry H. Evarts printed an almanac calculated for Oregon and the Sandwich Islands.[73] It was printed at the *Spectator* office by W. P. Hudson.

Professional men were still comparatively rare, preachers of different denominations outnumbering the other professions.[74] In every neighborhood there was preaching on Sundays, the services being held in the most commodious dwellings, or in a school-house if there was one. There were as yet few churches. Oregon City, being the metropolis, had three, Catholic, Methodist, and Congregationalist.[75] There was a Methodist church at Hillsboro, and another at Salem, and the Catholic Church at St Paul's, which completed the list in 1848.

The general condition of society in the colony was, aside from the financial and Indian troubles which I have fully explained, one of general contentment. Both Burnett and Minto declare in their accounts of those times that notwithstanding the hardships all

[72] *Or. Spectator*, Feb. 18, 1847.

[73] *S. I. Friend*, Feb. 1848; *Thornton's Hist. Or.*, MS., 27.

[74] I find in the *S. I. Friend*, Sept. 1847, the following computation: Inhabitants (white), 7,000. This, according to immigration statistics, was too small an estimate. About 400 were Catholics. Methodists were most numerous. There were 6 itinerating Methodist Episcopal preachers, and 8 or 10 local preachers, besides 2 Protestant Methodist clergymen. Baptist missionaries, 2; Congregational or Presbyterian clergymen, 4; and several of the Christian denomination known as Campbellites; regular physicians, 4; educated lawyers, 4; quacks in both professions more numerous. I have already mentioned the accidental death of Dr Long by drowning in the Willamette at Oregon City, he being at the time territorial secretary. He was succeeded in practice and in office by Dr Frederick Prigg, elected by the legislature in December 1846. He also died an accidental death by falling from the rocky bluff into the river, in October 1849. He was said to be a man of fine abilities and education, but intemperate in his habits. *Or. Spectator*, Nov. 2, 1849; *Johnson's Cal. and Or.*, 274.

[75] *Deady's Hist. Or.*, MS., 71. Harvey Clark first organized the Congregational church at Oregon City in 1844. *Atkinson's Address*, 3; *Oregon City Enterprise*, March 24, 1876. In 1848 Rev. Horace Lyman, with his wife, left Boston to join Atkinson in Oregon. He did not arrive until late in 1849. He founded the first Congregational church in Portland, but subsequently became a professor at the Pacific University. *Home Missionary*, xxii. 43-4; *Or. Spectator*, Nov. 1, 1849.

endured, there were few who did not rejoice sincerely that they had cast their lot in Oregon.[76] Hospitality and good-fellowship prevailed; the people were temperate[77] and orderly; and crime was still rare.[78]

Amusements were few and simple, and hardly necessary in so free and unconventional a community, except as a means of bringing the people together.

[76] Minto, in *Camp Fire Orations*, MS., 17; *Burnett's Recollections*, MS., i. 170; *White's Emigration to Or.*, MS., 11; *Simpson's Nar.*, i. 170.

[77] The missionaries, the women of Oregon city, and friends of temperance generally, were still laboring to effect prohibition of the traffic in spirituous liquors. The legislature of 1847 passed an amendment to the organic law, enacting that the word 'prohibit' should be inserted in the place of 'regulate' in the 6th section, which read that the legislature should have power to 'regulate the introduction, manufacture, and sale of ardent spirits.' *Or. Laws*, 1843–9, 44. No change could be made in the organic law without submitting it to the vote of the people at the ensuing election, which being done, a majority were for prohibition. *Grover's Or. Archives*, 273–4. When the matter again came before the colonial legislature at its last session, that part of the governor's message referring to prohibition was laid on the table, on motion of Jesse Applegate. A bill to amend the organic laws, as above provided, was subsequently introduced by Samuel R. Thurston, but was rejected by vote, on motion of Applegate. *Id.*, 293. Applegate's independent spirit revolted at prohibition, besides which he took a personal gratification from securing the rejection of a measure emanating from a missionary source. Surely all good people would be naturally averse to hearing an uncultivated savage who was full of bad whiskey, singing in Chinook:

> 'Nah! six, potlach blue lu (blue ruin),
> Nika ticka, blue lu,
> Hiyu blue lu,
> Hyas olo,
> Potlach blue lu.'

Which freely translated would run:

> 'Hallo! friend, give me some whiskey;
> I want whiskey, plenty of whiskey;
> Very thirsty; give me some whiskey.'

Moss' Pioneer Times, MS., 56–7.

[78] In the *Spectator* of July 9, 1846, there is mention of an encounter with knives between Ed. Robinson and John Watson. Robinson was arrested and brought before Justice Andrew Hood, and bound over in the sum of $200. In the same paper of July 23d is an item concerning the arrest of Duncan McLean on suspicion of having murdered a Mr Owens. An affray occurred at Salem in August 1847 between John H. Bosworth and Ezekiel Popham, in which the latter was killed, or suddenly dropped dead from a disease of the heart. *Id.*, Sept. 2, 1847. In 1848 a man named Leonard who had pawned his rifle to one Arim, on Sauvé Island, went to recover without redeeming it, when Arim pursued him with hostile intent. Leonard ran until he came to a fallen tree too large for him to scale in haste, and finding Arim close upon him he turned, and in his excitement fired, killing Arim. Leonard was arrested and discharged, there being no witnesses to the affair. Arim was a bully, and Leonard a small and usually quiet man, who declared he had no intention of killing Arim, but fired accidentally, not knowing the rifle was loaded. Leonard left the country soon after for the gold-mines and never returned. *Crawford's Nar.*, MS., 167. I cite these examples rather to show the absence than the presence of crime.

Besides church-going, attending singing-school,[79] and visiting among the neighbors there were few assemblages. There was occasionally a ball, which was not regarded by the leading Protestant citizens as the most unquestionable mode of cultivating social relations. The Canadian families loved dancing, and balls were not the more respectable for that reason;[80] but the dancers cared little for the absence of the *élite*. Taking them all in all, says Burnett, "I never saw so fine a population;" and other writers claimed that though lacking in polish the Oregon people were at this period morally and socially the equal of those of any frontier state.[81] From the peculiar conditions of an isolated colony like that of Oregon, early marriages became the rule. Young men required homes, and young women were probably glad to escape from the overfilled hive of the parental roof to a domicile of their own. However that may have been, girls were married at any age from fourteen upward, and in some instances earlier;[82] while no widow, whether

[79] James Morris, in *Camp Fire Orations*, MS., 20, says that the first singing-school in the country was taught by a Mr Johnson, and that he went to it dressed in a suit of buckskin dyed black, which looked well, and did not stretch out over the knees like the uncolored skin.

[80] *Moss' Pioneer Times*, MS., 32. In *Minto's Early Days*, MS., and Mrs Minto's *Female Pioneering*, MS., there are many pictures of the social condition of the colony. The same in *Camp Fire Orations*, MS., a report by my stenographer, of short speeches made at an evening session of the pioneers at their annual meeting in 1878. All the speakers except Mrs Minto declared they had enjoyed emigrating and pioneering. She thought both very hard on females; though throughout all she conducted herself as one of the noblest among women.

[81] *Home Missionary*, xx. 213–14.

[82] As a guide to descent in the pioneer families I here affix a list of the marriages published in the *Spectator* from the beginning of 1846 to the close of 1848. Though these could not have been all, it may be presumed that people of social standing would desire to publish this momentous event: 1846—Feb. 25, Samuel Campbell to Miss Chellessa Chrisman; March 29, Henry Sewell to Miss Mary Ann Jones Gerish; April 2, Stephen Staats to Miss Cordelia Forrest; April 12, Silas Haight to Mrs Rebecca Ann Spalding; May 4, Pierre Bonnin to Miss Louise Rondeau; May 10, Isaac Staats to Miss Orlena Maria Williams; May 10, Henry Marlin to Miss Emily Hipes; June 4, David Hill to Mrs Lucinda Wilson; June 14, J. W. Nesmith to Miss Caroline Goff; June 17, Alanson Hinman to Miss Martha Elizabeth Jones Gerish; June 28, Robert Newell to Miss Rebecca Newman; July 2, Mitchel Whitlock to Miss Malvina Engle; July 4, William C. Dement to Miss Olivia Johnson; J. B. Jackson to Miss Sarah Parker; July 25, John G. Campbell to Miss Rothilda E. Buck; July 26, Joseph Watt to Miss Sarah Craft; Aug.

young or middle-aged, long remained unmarried. This mutual dependence of the sexes was favorable to the morals and the growth of the colony; and rich and poor alike had their houses well filled with children.

But what of the diseases which made such havoc during the early missionary occupation? Strangely enough they had disappeared as the natives died or were removed to a distance from the white race. Notwithstanding the crowded state of the settlers every winter after the arrival of another immigration, and notwithstanding insufficient food and clothing in many instances, there was little sickness and few deaths. Dr White, after six years of practice, pronounced the country to be the healthiest and the climate one of the most salubrious in the world.[88] As to the temperature, it seems to have varied with the different seasons and years. Daniel Lee tells of plucking a strawberry-blossom on Christmas-day 1840, and the

2, Sidney Smith to Miss Miranda Bayley; Aug. 16, Jehu Davis to Miss Margarette Jane Moreland; Sept. 1, H. H. Hyde to Miss Henrietta Holman; Oct. 26, Henry Buxton to Miss Rosannah Woolly; Nov. 19, William P. Dougherty to Miss Mary Jane Chambers; Nov. 24, John P. Brooks to Miss Mary Ann Thomas. 1847—Jan. 21, W. H. Rees to Miss Amanda M. F. Hall; Jan. 25, Francis Topair to Miss Angelique Tontaine; Feb. 9, Peter H. Hatch to Miss S. C. Locey (Mrs Charlotte Sophia Hatch, who came to Oregon with her husband by sea in 1843, died June 30, 1846); April 18, Absalom F. Hedges to Miss Elizabeth Jane Barlow; April 21, Joseph B. Rogers to Miss Letitia Flett; Henry Knowland to Mrs Sarah Knowland; April 22, N. K. Sitton to Miss Priscilla A. Rogers; June 15, Jeremiah Rowland to Mrs Mary Ann Sappington; July 8, John Minto to Miss Martha Ann Morrison; Aug. 12, T. P. Powers to Mrs Mary M. Newton—this was the Mrs Newton whose husband was murdered by an Indian in the Umpqua Valley in 1846; Oct. 14, W. J. Herren to Miss Eveline Hall; Oct. 24, D. H. Good to Miss Mary E. Dunbar; Oct. 29, Owen M. Mills to Miss Priscilla Blair; Dec. 28, Charles Putnam to Miss Rozelle Applegate. 1848—Jan. 5, Caleb Rodgers to Miss Mary Jane Courtney; Jan. 20, M. M. McCarver to Mrs Julia Ann Buckalew; Jan. 27, George M. Baker to Miss Nancy Duncan; Jan. 30, George Sigler to Miss Lovina Dunlap; Feb. 19, R. V. Short to Miss Mary Geer; March 18, Moses K. Kellogg to Mrs Elizabeth Sturges; April 16, John Jewett to Mrs Harriet Kimball—Mrs Kimball was the widow of one of the victims of the Waiilatpu massacre; May 4, John R. Jackson to Mrs Matilda N. Coonse; May 22, John H. Bosworth to Miss Susan B. Looney; June 28, Andrew Smith to Mrs Sarah Elizabeth Palmer; July 2, Edward N. White to Miss Catherine Jane Burkhart; July 28, William Meek to Miss Mary Luelling; Dec. 10, C. Davis to Miss Sarah Ann Johnson; Dec. 26, William Logan to Miss Issa Chrisman. The absence of any marriage notice for the 4 months from the last of July to the 10th of December may be accounted for by the rush of the unmarried men to the gold-mines about this time.

[88] *Ten Years in Or.*, 220.

weather continued warm throughout the winter; but on the 12th of December 1842 the Columbia was frozen over, and the ice remained in the river at the Dalles till the middle of March, and the mercury was 6° below zero in that month, while in the Willamette Valley the cold was severe. On the other hand, in the winter of 1843 there was a heavy rainfall, and a disastrous freshet in the Willamette in February. The two succeeding winters were mild and rainy,[84] fruit forming on the trees in April; and again in the latter part of the winter of 1846–7 the Columbia was frozen over at Vancouver so that the officers of the *Modeste* played a curling match on the ice. The winter of 1848–9 was also cold, with ice in the Columbia. The prevailing temperature was mild, however, when taken year by year, and the soil being generally warm, the vegetables and fruits raised by the first settlers surprised them by their size and quality.[85] If any fault was to be found with the climate it was on the score of too many rainy or cloudy days; but when by comparison with the drier climate of California it was found to insure greater regularity of crops the farming community at least were satisfied.[86] The cattle-raisers had most reason to dread the peculiarities of the Oregon climate, which by its general mildness flattered them into neglecting to provide winter food for their stock, and when an occasional season of snow and ice came upon them they died by hundreds; but this was partly the fault of the improvident owner.

The face of nature here was beautiful; pure air from the ocean and the mountains; loveliness in the

[84] *Clyman's Note Book*, MS., 82–98; *Palmer's Journal*, 119.

[85] A potato is spoken of which weighed 3¼ lbs., and another 3½ lbs.; while turnips sometimes weighed from 10 to 30 lbs. Blanchet raised one of 17¾ lbs.

[86] The term 'web-foot' had not yet been applied to the Oregonians. It became current in mining times, and is said to have originated in a sarcastic remark of a commercial traveller, who had spent the night in a farm-house on the marshy banks of the Long Tom, in what is now Lane County, that children should be provided with webbed feet in that country. 'We have thought of that,' returned the mistress of the house, at the same time displaying to the astonished visitor her baby's feet with webs between the toes. The story lost nothing in the telling, and Web-foot became the pseudonyme for Oregonian.

valleys dignified by grandeur in the purple ranges which bordered them, overtopped here and there by snowy peaks whose nearly extinct craters occasionally threw out a puff of smoke or ashy flame,[57] to remind the beholder of the igneous building of the dark cliffs overhanging the great river. The whole country was remarkably free from poisonous reptiles and insects. Of all the serpent class the rattlesnake alone was armed with deadly fangs, and these were seldom seen except in certain localities in the western portion of Oregon. Even the house-fly was imported,[58] coming like many plants, and like the bee, in the beaten trail of white men.

Such was the country rescued from savagism by this virtuous and intelligent people; and such their general condition with regard to improvement, trade, education, morals, contentment, and health, at the period when, after having achieved so much without aid from congress, that body took the colony under its wing and assumed direction of its affairs.

[57] Mount St Helen and Mount Baker were in a state of eruption in March 1850, according to the *Spectator* of the 21st of that month. The same paper of Oct. 18, 1849, records a startling explosion in the region of Mount Hood, when the waters of Silver Creek stopped running for 24 hours, and also the destruction of all the fish in the stream by poisonous gases.

[58] McClane says that when he came to Oregon there was not a fly of any kind, but fleas were plenty. *First Wagon Train*, MS., 14. W. H. Rector has said the same. Lewis and Clarke, and Parker, expiate upon the fleas about the Indian camps.

CHAPTER II.

EFFECT OF THE CALIFORNIA GOLD DISCOVERY.

1848-1849.

THE MAGIC POWER OF GOLD—A NEW OREGON—ARRIVAL OF NEWELL—SHARP TRAFFIC—THE DISCOVERY ANNOUNCED—THE STAMPEDE SOUTHWARD—OVERLAND COMPANIES—LASSEN'S IMMIGRANTS—HANCOCK'S MANUSCRIPT—CHARACTER OF THE OREGONIANS IN CALIFORNIA—THEIR GENERAL SUCCESS—REVOLUTIONS IN TRADE AND SOCIETY—ARRIVAL OF VESSELS—INCREASE IN THE PRICES OF PRODUCTS—CHANGE OF CURRENCY—THE QUESTION OF A MINT—PRIVATE COINAGE—INFLUX OF FOREIGN SILVER—EFFECT ON SOCIETY—LEGISLATION—IMMIGRATION.

AND now begins Oregon's age of gold, quite a different affair from Oregon's golden age, which we must look for at a later epoch. The Oregon to which Lane was introduced as governor was not the same from which his companion Meek had hurried in poverty and alarm one year before. Let us note the change, and the cause, before recording the progress of the new government.

On the 31st of July 1848, the little schooner *Honolulu*, Captain Newell, from San Francisco, arrived in the Columbia, and began to load not only with provisions, but with shovels, picks, and pans, all that could be bought in the limited market. This created no surprise, as it was known that Americans were emigrating to California who would be in want of these things, and the captain of the schooner was looked upon as a sharp trader who knew how to turn an honest penny. When he had obtained everything to his purpose, he revealed the discovery made by Marshall in California, and told the story how Ore-

gon men had opened to the world what appeared an inexhaustible store of golden treasure.[1]

The news was confirmed by the arrival August 9th of the brig *Henry* from San Francisco, and on the 23d of the fur company's brig *Mary Dare* from the Hawaiian Islands, by the way of Victoria, with Chief Factor Douglas on board, who was not inclined to believe the reports. But in a few days more the tidings had travelled overland by letter, ex-Governor Boggs having written to some of his former Missouri friends in Oregon by certain men coming with horses to the Willamette Valley for provisions, that much gold was found on the American River. No one doubted longer; covetous desire quickly increased to a delirium of hope. The late Indian disturbances were forgotten; and from the ripening harvests the reapers without compunctions turned away. Even their beloved land-claims were deserted; if a man did not go to California it was because he could not leave his family or business. Some prudent persons at first, seeing that provisions and lumber must greatly increase in price, concluded to stay at home and reap the advantage without incurring the risk; but these were a small proportion of the able-bodied men of the colony. Far more went to the gold mines than had volunteered to fight the Cayuses;[2] farmers, mechanics, professional men, printers—every class. Tools were dropped and work left unfinished in the shops. The farms were abandoned to women and boys. The two newspapers, the *Oregon Spectator* and *Free Press*, held

[1] J. W. Marshall was an immigrant to Oregon of 1844. He went to California in 1846, and was employed by Sutter. In 1847 he was followed by Charles Bennett and Stephen Staats, all of whom were at Sutter's mill when the discovery of gold was made. *Brown's Will. Val.*, MS., 7; *Parsons' Life of Marshall*, 8–9.

[2] Burnett says that at least two thirds of the population capable of bearing arms left for California in the summer and autumn of 1848. *Recollections*, MS., i. 325. 'About two thousand persons,' says the *California Star and Californian*, Dec. 9, 1848. Only five old men were left at Salem. *Brown's Will. Val.*, MS., 9. Anderson, in his *Northwest Coast*, MS., 37, speaks of the great exodus. Compare *Crawford's Nar.*, MS., 166, and *Victor's River of the West*, 483–5. Barnes, *Or. and Cal.*, MS., 8, says he found at Oregon City only a few women and children and some Indians.

out, the one till December, the other until the spring of 1849, when they were left without compositors and suspended.[3] No one thought of the outcome. It was not then known in Oregon that a treaty had been signed by the United States and Mexico, but it was believed that such would be the result of the war; hence the gold-fields of California were already regarded as the property of Americans. Men of family expected to return; single men thought little about it. To go, and at once, was the chief idea.[4] Many who had not the means were fitted out by others who took a share in the venture; and quite different from those who took like risks at the east, the trusts imposed in the men of Oregon were as a rule faithfully carried out.[5]

Pack-trains were first employed by the Oregon gold-seekers; then in September a wagon company was organized. A hundred and fifty robust, sober, and energetic men were soon ready for the enterprise. The train consisted of fifty wagons loaded with mining implements and provisions for the winter. Even planks for constructing gold-rockers were carried in the bottom of some of the wagons. The teams were strong oxen; the riding horses of the hardy native Cayuse stock, late worth but ten dollars, now bringing thirty, and the men were armed. Burnett was elected captain and Thomas McKay pilot.[6] They went to Klamath Lake by the Applegate route, and then turned south-east intending to get into the California emigrant road before it crossed the Sierra. After travelling several days over an elevated region, not well watered nor furnishing good grass, to their surprise

[3] The *Spectator* from February to October. I do not think the *Free Press* was revived after its stoppage, though it ran long enough to print Lane's proclamation. The *Oregon American* had expired in the autumn of 1848.

[4] Atkinson, in the *Home Missionary*, 22, 64; *Bristow's Rencounters*, MS., 2–9; *Ryan's Judges and Criminals*, 79.

[5] There was the usual doggerel perpetrated here as elsewhere at the time. See *Brown's Or. Miscel.*, MS., 47.

[6] *Ross' Nar.*, MS., 11; *Lovejoy's Portland*, MS., 26; *Johnson's Cal. and Or.*, 185–6.

they came into a newly opened wagon-road, which proved to be that which Peter Lassen of California had that season persuaded a small party immigrating into the Sacramento Valley to take, through a pass which would bring them near his rancho.[7]

The exodus thus begun continued as long as weather permitted, and until several thousand had left Oregon by land and sea. The second wagon company of twenty ox-teams and twenty-five men was from Puget Sound, and but a few days behind the first,[8] while the old fur-hunters' trail west of the

[7] After proceeding some distance on Lassen's trail they found that others who had preceded them were as ignorant as they of what lay before them; and after travelling westward for eight miles they came to a sheer wall of rock, constituting a mountain ridge, instead of to a view of the Sacramento Valley. On examination of the ground it was found that Lassen and his company had been deceived as well as they, and had marched back to within half a mile of the entrance to the valley before finding a way out of it. After exploring for some distance in advance the wagons were allowed to come on, and the summit of the sierra was reached the 20th of October. After passing this and entering the pine forest on the western slope, they overtook Lassen and a portion of his party, unable to proceed. He had at first but ten wagons in his company, and knew nothing more about the route than from a generally correct idea of the country he could conjecture. They proceeded without mishap until coming to the thick timber on the mountains; and not having force enough to open the road, they were compelled to convert their wagons into carts in order to make the short turns necessary in driving around fallen timber. Progress in this manner was slow. Half of the immigrants, now fearfully incensed against their leader, had abandoned their carts, and packing their goods on their starving oxen, deserted the other half, without knowing how they were to reach the settlements. When those behind were overtaken by the Oregonians they were in a miserable condition, not having had bread for a month. Their wants were supplied, and they were assured that the road should be opened for them, which was done. Sixty or eighty men went to the front with axes, and the way was cleared for the wagons. When the forest was passed, there were yet other difficulties which Lassen's small and exhausted company could never have removed. A tragedy like that of Donner Lake was averted by these gold-seekers, who arrived in the Sacramento Valley about the 1st of November. *Burnett's Recollections*, MS., i. 328–366; *Lovejoy's Portland*, MS., 27; *Barnes' Or. and Cal.*, MS., 11–12; *Palmer's Wagon Trains*, MS., 43.

[8] *Hancock's Thirteen Years' Residence on the Northwest Coast*, a thick manuscript volume containing an account of the immgration of 1845, the settlement of the Puget Sound country by Americans, the journey to California of the gold-hunters, and a long list of personal adventures with Indians, and other matter of an interesting nature, is one of my authorities on this period. The manuscript was written at the dictation of Samuel Hancock, of Whidbey Island, by Major Sewell. See *Morse's Notes of the History and Resources of Washington Ter.*, ii. 19–30. It would seem from Hancock's MS. that the Puget Sound Company, like the Willamette people, overtook and assisted a party of immigrants who had been forsaken by that pilot in the Sierra Nevada, and brought them through to the Sacramento Valley.

sierra swarmed with pack-trains[9] all the autumn. Their first resort was Yuba River; but in the spring of 1849 the forks of the American became their principal field of operations, the town of Placerville, first called Hangtown, being founded by them. They were not confined to any localities, however, and made many discoveries, being for the first winter only more numerous in certain places than other miners; and as they were accustomed to camp-life, Indian-fighting, and self-defence generally, they obtained the reputation of being clannish and aggressive. If one of them was killed or robbed, the others felt bound to avenge the injury, and the rifle or the rope soon settled the account. Looking upon them as interlopers, the Californians naturally resented these decided measures. But as the Oregonians were honest, sober, and industrious, and could be accused of nothing worse than being ill-dressed and unkempt and of knowing how to protect themselves, the Californians manifested their prejudice by applying to them the title 'Lop-ears,' which led to the retaliatory appellation of 'Tar-heads,' which elegant terms long remained in use.[10]

It was a huge joke, gold-mining and all, including even life and death. But as to rivalries they signified nothing. Most of the Oregon and Washington adventurers who did not lose their life were successful; opportunity was assuredly greater then in the

This may have been the other division of Lassen's company, though Hancock says there were 25 wagons, which does not agree with Burnett.

[9] One of the first companies with pack-animals was under John E. Ross, an immigrant of 1847, and a lieutenant in the Cayuse war, of whom I shall have more to say hereafter. Ross states that Levi Scott had already settled in the Umpqua Valley, and was then the only American south of the Calapooya Mountains. From Scott's to the first house in California, Reading's, was 14 days' travel. See *Ross' Nar.*, MS., passim.

[10] *Ross' Nar.*, MS., 15; *Crawford's Nar.*, MS., 194, 204. The American pioneers of California, looking for the origin of the word Oregon in a Spanish phrase signifying long-ears, as I have explained in vol. i. *Hist. Or.*, hit upon this delectable sobriquet for the settlers of that country. With equal justice, admitting this theory to be correct, which it is not, the Oregonians called them tar-heads, because the northern California Indians were observed to cover their heads with tar as a sign of mourning.

Sierra Foothills than in the Valley Willamette. Still they were not hard to satisfy; and they began to return early in the spring of 1849, when every vessel that entered the Columbia was crowded with home-loving Oregonians.[11] A few went into business in California. The success of those that returned stimulated others to go who at first had not been able.[12]

[11] Among those who went to California in 1848-9 are the following: Robert Henderson, James McBride, William Carpenter, Joel Palmer, A. L. Lovejoy, F. W. Pettygrove, Barton Lee, W. W. Bristow, W. L. Adams, Christopher Taylor, John E. Ross, P. B. Cornwall, Walter Monteith, Horace Burnett, P. H. Burnett, John P. Rogers, A. A. Skinner, M. M. McCarver, Frederick Ramsey, William Dement, Peter Crawford, Henry Williamson, Thomas McKay, William Fellows, S. C. Reeves, James Porter, I. W. Alderman, William Moulton, Aaron Stanton, J. R. Robb, Aaron Payne, J. Matheney, George Gay, Samuel Hancock, Robert Alexander, Niniwon Everman, John Byrd, Elisha Byrd, William Byrd, Sr, William Byrd, Jr, T. R. Hill, Ira Patterson, William Patterson, Stephen Bonser, Saul Richards, W. H. Gray, Stephen Staats, J. W. Nesmith, J. S. Snooks, W. D. Canfield, Alanson Husted, John M. Shively, Edmund Sylvester, James O'Neal, Benjamin Wood, William Whitney, W. P. Dougherty, Allen McLeod, John Edmonds, Charles Adams, John Inyard, Miriam Poe, Joseph Williams, Hilt. Bonser, William Shaw, Thomas Carter, Jefferson Carter, Ralph Wilcox, Benjamin Burch, William H. Rector, Hamilton Campbell, Robert Newell, John E. Bradley, J. Curtis, H. Brown, Jeremiah McKay, Priest, Turney, Leonard, Shurtzer, Loomis, Samuel Cozine, Columbia Lancaster Pool, English, Thompson, Johnson, Robinson, and others.

[12] P. W. Crawford gives the following account of his efforts to raise the means to go to California: He was an immigrant of 1847, and had not yet acquired property that could be converted into money. Being a surveyor he spent most of his time in laying out town sites and claims, for which he received lots in payment, and in some cases wheat, and often nothing. He had a claim on the Cowlitz which he managed to get planted in potatoes. Owning a little skiff called the *E. West*, he traded it to Geer for a hundred seedling apple-trees, but not being able to return to his claim, he planted them on the land of Wilson Blain, opposite Oregon City. Having considerable wheat at McLoughlin's mill he had a portion of it ground, and sold the flour for cash. He gave some wheat to newly arrived emigrants, and traded the rest for a fat ox, which he sold to a butcher at Oregon City for twenty-five dollars cash. Winter coming on he assisted his friend Reed in the pioneer bakery of Portland. In February he traded a Durham bull which he purchased of an Indian at Fort Laramie and drove to Oregon, for a good sailing boat, with which he took a load of hoop-poles down the Columbia to Hunt's mill, where salmon barrels were made, and brought back some passengers, and a few goods for Capt. Crosby, having a rough hard time working his way through the floating ice. On getting back to Portland, Crawford and Williams, the former mate of the *Starling*, engaged of the supercargo Gray, at sixty dollars each, steerage passage on the *Undine* then lying at Hunt's mill. The next thing was to get supplies and tools, such as were needed to go to the mines. For these it was necessary to make a visit to Vancouver, which could not be done in a boat, as the river was still full of ice, above the mouth of the Williamette. He succeeded in crossing the Columbia opposite the head of Sauvé Island, and walked from the landing to Vancouver, a distance of about six miles. This business accomplished, he rejoined his companion in the boat, and set out for Hunt's mill, still endangered by floating ice, but

There was a complete revolution in trade, as remarkable as it was unlooked for two years before, when the farmers were trying to form a coöperative ship-building association to carry the products of their farms to a market where cash could be obtained for wheat. No need longer to complain of the absence of vessels, or the terrible bar of the Columbia. I have mentioned in the preceding chapter that the *Henry* and the *Toulon* were the only two American vessels trading regularly to the Columbia River in the spring of 1848. Hitherto only an occasional vessel from California had entered the river for lumber and flour; but now they came in fleets, taking besides these articles vegetables, butter, eggs, and other products needed by the thousands arriving at the mines, the traffic at first yielding enormous profits. Instead of from three to eight arrivals and departures in a year, there were more than fifty in 1849, of which twenty were in the river in October awaiting cargoes at one time.[13] They were from sixty to six or or seven hundred tons burden, and three of them were built in Oregon.[14] Whether it was due to their

arriving in time to take passage. Such were the common incidents of life in Oregon before the gold products of the California mines came into circulation. *Narrative*, MS., 179–187.

[13] About the last of December 1848 the Spanish bark *Jóven Guipuzcoana*, S. C. Reeves captain, arrived from San Francisco to load with Oregon productions for the California markets. She was fastened in the ice a few miles below the mouth of the Willamette until February, and did not get out of the river until about the middle of March. *Crawford's Nar.*, MS., 173–91. The brig *Maleck Adhel*, Hall master, left the river with a cargo Feb. 7, 1849. Following are some of the other arrivals of the year: January 5th, schr. *Starling*, Captain Menzies; 7th, bk. *Anita*, Hall; brig *Undine*, Brum; May 8th, bks. *Anita*, Hall; *Janet*, Dring; ship *Mercedes;* schrs. *Milwaukie; Valdova;* 28th, bk. *J. W. Carter;* brig *Mary and Ellen;* June 16th, schr. *Pioneer;* bk. *Undine;* 23d, bk. *Columbia;* brigs *Henry, Sacramento, El Placer;* July 2d, ship *Walpole;* 10th, brigs *Belfast, L'Etoile du Matin;* ship *Silvie de Grasse;* schr. *O. C. Raymond;* brig *Quito;* 28th, ship *Huntress;* bk. *Louisiana;* schr. *Gen. Lane;* Aug. 7th, bk. *Carib;* 11th, bks. *Harpooner, Madonna;* ship *Aurora;* brig *Forrest;* bks. *Ocean Bird, Diamond, Helen M. Leidler;* Oct. 17th, brigs *Quito*, Hawkes; *O. C. Raymond*, Menzies; *Josephine*, Melton; *Jno. Petit; Mary and Ellen*, Gier; bks. *Toulon*, Hoyt; *Azim*, McKenzie; 22d, brig *Sarah McFarland*, Brooks; 24th, brig *Wolcott*, Kennedy; Nov. 12th, bk. *Louisiana*, Williams; brigs *Mary Wilder; North Bend*, Bartlett; 13th, ship *Huntress*, Upton; 15th, bks. *Diamond, Madonna;* 25th, brig *Sacramento;* bk. *Seguin*, Norton; brig *Duc de Lorgunes*, Travillot.

[14] The schooner *Milwaukie*, built at Milwaukie by Lot Witcomb and Joseph

general light draft, or to an increased knowledge of the channels of the mouth of the river, few accidents occurred, and only one American vessel was wrecked at or near the entrance this year;[15] though two French ships were lost during the summer, one on the bar in attempting to enter by the south channel, then changed in its direction from the shifting of the sands, and the other, by carelessness, in the river between Astoria and Tongue Point.[16]

That all this sudden influx of shipping, where so little had ventured before, meant prosperity to Oregon tradesmen is unquestionable. Portland, which Pettygrove had turned his back upon with seventy-five thousand dollars, was now a thriving port, whose

Kelly, was of planking put on diagonally in several thicknesses, with a few temporary sawed timbers and natural crooks, and was sold in San Francisco for $4,000. The *General Lane* was built at Oregon City by John McClellan, aided by McLoughlin, and ran to San Francisco. Her captain was Gilman, afterward a bar pilot at Astoria. She went directly to Sacramento with a cargo of lumber and farm products. The *Pioneer* was put together by a company at Astoria. *Honolulu Friend*, Sept. 1, 1849.

[15] The brig *Josephine* was becalmed, whereupon her anchor was let down; but a gale blowing up in the night she was driven on the sand and dashed to pieces in the breakers. She was loaded with lumber from the Oregon City Mills, which was a total loss to the Island Milling Company. *Or. Spectator*, Jan. 10, 1850.

[16] This latter wreck was of the *Silvie de Grasse* which brought Thornton home from Boston. She was formerly a packet of 2,000 tons, built of live-oak, and running between New York and Havre. She loaded with lumber for San Francisco, but in descending the river ran upon a rock and split. Eighteen years afterward her figure-head and a part of her hull stood above the water. What was left was then sold to A. S. Mercer, the iron being still in good order, and the locust and oak knees and timbers perfectly sound. *Oregonian*, in *Puget Sound Gazette*, April 15, 1867. The wreck on the bar was of *L'Etoile du Matin*, before mentioned in connection with the return to Oregon of Archbishop Blanchet, and the arrival of the Catholic reënforcement in 1847. Returning to Oregon in 1849, the captain not finding a pilot outside undertook to run in by the south channel, in which attempt he was formerly so successful, but its course having shifted, he soon found his ship fast on the sands, while an American bark that had followed him, but drew 10 feet less water, passed safely in. The small life-boats were all lost in lowering, but after passing through great dangers the ship was worked into Baker Bay without a rudder, with a loosened keel and most of the pumps broken, aid having been rendered by Latta of the Hudson's Bay Company and some Indians. A box rudder was constructed, and the vessel taken to Portland, and landed where the warehouse of Allen and Lewis later stood. The cargo belonged to Francis Menes, who saved most of it, and who opened a store in Oregon City, where he resided four years, finally settling at St Louis on French Prairie. He died December 1867. The hull of the *Morning Star* was sold to Couch and Flanders, and by them to Charles Hutchins, and was burned for the iron and copper. Eugene La Forrest, in *Portland Oregonian*, March 28, 1868.

shore was lined with a fleet of barks, brigs, and ships, and where wharves and warehouses were in great demand.[17] In Oregon City the mills were kept busy making flour and lumber,[18] and new saw-mills were erected on the Columbia.[19]

The farmers did not at first derive much benefit from the change in affairs, as labor was so high and scarce, and there was a partial loss of crops in consequence. Furthermore their wheat was already in store with the merchants and millers at a fixed price, or contracted for to pay debts. They therefore could not demand the advanced price of wheat till the crop of 1849 was harvested, while the merchant-millers had almost a whole year in which to make flour out of wheat costing them not more than five eighths of a dollar a bushel in goods, and which they sold at ten and twelve dollars a barrel at the mills. If able to send it to San Francisco, they realized double that price. As with wheat so with other things,[20] the speculators had the best of it.

[17] Couch returned in August from the east, in the bark *Madonna*, with G. A. Flanders as mate, in the service of the Shermans, shipping merchants of New York. They built a wharf and warehouse, and had soon laid the foundation of a handsome fortune. Eugene La Forrest, in *Portland Oregonian*, Jan. 29, 1870; *Deady*, in *Trans. Or. Pioneer Assoc.*, *1876*, 33–4. Nathaniel Crosby, also of Portland, was owner of the *O. C. Raymond*, which carried on so profitable a trade that he could afford to pay the master $300 a month, the mate $200, and ordinary seamen $100. He had built himself a residence costing $5,000 before the gold discovery. *Honolulu Friend*, Oct. 15, 1849.

[18] McLoughlin's miller was James Bachan, a Scotchman. The island grist-mill was in charge of Robert Pentland, an Englishman, miller for Abernethy. *Crawford's Nar.*, MS.

[19] A mill was erected in 1848 on Milton Creek, which falls into Scappoose Bay, an inlet of the lower Willamette at its junction with the Columbia, where the town of Milton was subsequently laid off and had a brief existence. It was owned by T. H. Hemsaker, and built by Joseph Cunningham. It began running in 1849, and was subsequently sold to Captain N. Crosbey and Thomas W. Smith, who employed the bark *Louisiana*, Captain Williams, carrying lumber to San Francisco. *Crawford's Nar.*, MS., 217. By the bark *Diamond*, which arrived from Boston in August, Hiram Clark supercargo, Abernethy received a lot of goods and took Clark as partner. Together they built a saw and planing mill on the Columbia at Oak Point, opposite the original Oak Point of the Winship brothers, a more convenient place for getting timber or loading vessels than Oregon City. The island mill at the latter place was rented to Walter Pomeroy, and subsequently sold, as I shall relate hereafter. Another mill was erected above and back of Tongue Point by Henry Marland in 1849. *Id.; Honolulu Friend*, Oct. 3, 1849.

[20] In the *Spectator* of Oct. 18, 1849, the price of beef on foot is given at 6 and 8 cents; in market, 10 and 12 cents per pound; pork, 16 and 20 cents;

When the *General Lane* sailed from Oregon City with lumber and provisions, there were several tons of eggs on board which had been purchased at the market price, and which were sold by the captain at thirty cents a dozen to a passenger who obtained for them at Sacramento a dollar each. The large increase of home productions, with the influx of gold by the return of fortunate miners, soon enabled the farmers to pay off their debts and improve their places, a labor upon which they entered with ardor in anticipation of the donation law. Some of those who could arrange their affairs, went a second time to California in 1849; among the new companies being one of several hundred Canadians and half-breeds, under the charge of Father Delorme, few of whom ever returned alive, owing to one of those mysterious epidemics, developed under certain not well understood conditions, attacking their camp.[21]

On the whole the effect of the California gold discovery was to unsettle the minds of the people and change their habits. To the Hudson's Bay Company it was in some respects a damage, and in others a benefit. The fur-trade fell off, and this, together with the operation of the treaty of 1846, compelling them to pay duties on goods from English ports, soon effected the abandonment of their business in United States territory. For a time they had a profitable trade in gold-dust, but when coined gold and American and Mexican money came into free circulation, there was an end of that speculation.[22] Every circumstance now conspired to drive British trade out of Oregon

butter, 62 and 75 cents; cheese, 50 cents; flour, $14 per barrel; wheat, $1.50 and $2 per bushel, and oats the same. Potatoes were worth $2.50 per bushel; apples, $10. These were the articles produced in the country, and these prices were good. On the other hand, groceries and dry goods, which were imported, cost less than formerly, because, while consumption was less, more cargoes were arriving. Iron and nails, glass and paint were still high, and cooking-stoves brought from $70 to $130.

[21] F. X. Matthieu, who was one of the company, says that out of 600 only 150 remained alive, and that Delorme narrowly escaped. *Refugee*, MS., 15; *Blanchet's Hist. Cath. Ch. in Or.*, 180.

[22] *Roberts' Recollections*, MS., 81; *Anderson's Northwest Coast*, MS., 38.

as fast as the country could get along independently of it; and inasmuch as the fur company had, through the dependence of the American community upon them, been enabled to make a fair profit on a large amount of goods, it was scarcely to be regretted that they should now be forced to give way, and retire to new territory where only fur companies properly belong.

Among the events of 1849 which were directly due to the mining episode was the minting of about fifty thousand dollars at Oregon City, under an act of the colonial legislature passed at its last session, without license from the United States. The reasons for this act, which were recited in the preamble, were that in use as currency was a large amount of gold-dust which was mixed with base metals and impurities of other kinds, and that great irregularities in weighing existed, to the injury of the community. Two members only, Medorum Crawford and W. J. Martin, voted against the bill, and these entered on the records a formal protest on the ground that the measure was unconstitutional and inexpedient.[23] The

[23] *Grover's Or. Archives*, 311, 315. The act was approved by the governor Feb. 16, 1849. According to its provisions the mint was to be established at Oregon City; its officers, elected annually by the house of representatives, were to give each $30,000 bonds, and draw a salary of $1,999 each perannum, to be paid out of proceeds of the institution. The director was empowered to pledge the faith of the territory for means to put the mint in operation; and was required to publish in some newspaper in the territory a quarterly statement, or by sending such a report to the county clerk of each county. The act provided for an assayer and melter and coiner, the latter being forbidden to use any alloys whatever. The weight of the pieces was to be five pennyweights and ten pennyweights respectively, no more and no less. The dies for stamping were required to have on one side the Roman figure five, for the pieces of five pennyweights, and the Roman figure ten, for the pieces of ten pennyweights, the reverse sides to be stamped with the words Oregon Territory, and the date of the year around the face, with the 'arms of Oregon' in the centre. What then constituted the 'arms of Oregon' is a question. Brown, *Will. Valley*, MS., 13, says that only parts of the impression remain in the Oregon archives, and that it has gone out of the memory of everybody, including Holderness, secretary of state in 1848. Thornton says that the auditor's seal of the provisional government consisted of a star in the centre of a figure so arranged as to represent a larger star, containing the letters Auditor O. T., and that it is still preserved in the Oregon archives. *Relics*, MS., 6. But as the law plainly described the coins as having the arms of Oregon on the same side with the date and the name of the territory, then if the idea of the legislators was carried out, as it seems to have been, a beaver

reason for the passage of the act was, really, the low price of gold-dust, the merchants having the power to fix the rate of gold as well as of wheat, receiving it for goods at twelve dollars an ounce, the Hudson's Bay Company buying it at ten dollars and paying in coin procured for the purpose.[24]

The effect of the law was to prevent the circulation of gold-dust altogether, as it forbade weighing. No steps were taken toward building a mint, which would have been impossible had not the erection of a territorial government intervened. But as there was henceforth considerable coin coming into the country to exchange at high prices for every available product, there was no serious lack of money.[25] On the contrary there was a disadvantage in the readiness with which silver was introduced from California, barrels of Mexican and Peruvian dollars being thrown upon the market, which had been sent to California to pay for gold-dust. The Hudson's Bay Company allowed only fifty cents for a Peruvian dollar, while the American merchants took them at one hundred cents. Some of the Oregon miners were shrewd enough to buy up Mexican silver dollars, and even less valuable coins, with gold-dust at sixteen dollars an ounce, and take

must have been the design on the territorial seal, as it was on the coins. All disbursements of the mint, together with the pay of officers, must be made in the stamped pieces authorized by the act; and whatever remained of profits, after deducting expenses, was to be applied to pay the Cayuse war expenses. Penalties were provided for the punishment of any private person who should coin gold or attempt to pass unstamped gold. The officers appointed were James Taylor, director; Truman P. Powers, treasurer; W. H. Willson, melter and coiner, and G. L. Curry, assayer. *Or. Spectator*, Feb. 22, 1849.

[24] *Barnes' Or. and Cal.*, MS., 9; *Buck's Enterprises*, MS., 8; *Brown's Will. Val.*, MS., 14. This condition of the currency caused a petition to be drawn up and numerously signed, setting forth that in consequence of the neglect of the United States government the colonists must combine against the greed of the merchants in this matter. There was gold-dust in the territory, they declared, to the value of two millions of dollars, and more arriving. Besides the losses they were forced to bear by the depreciation of gold-dust, there was the inconvenience of handling it in its original state, and also the loss attending its frequent division. These objections to a gold-dust currency being likely to exist for some time, or as long as mining was followed, they prayed the legislature to pass a coinage act, which was done as I have said. *Or. Archives*, MS., 188.

[25] *Deady's Hist. Or.*, MS.

them to Oregon where dust could be readily obtained at twelve or fourteen dollars an ounce.[26] The gold coins in general circulation were Spanish doubloons, halves, and quarters. Such was the scarcity of convenient currency previous to this overplus that silver coin had been at a premium of ten per cent,[27] but fell rapidly to one per cent.

The act of the legislature did not escape criticism.[28] But before the law could be carried into effect Governor Lane had issued his proclamation placing the territory under the government of the United States, and it became ineffectual, as well as illegal. The want, however, remaining the same, a partnership was formed called the Oregon Exchange Company, which proceeded to coin money after its own fashion, and on its own responsibility. The members were W. K. Kilborne, Theophilus Magruder, James Taylor, George Abernethy, W. H. Willson, W. H. Rector, J. G. Campbell, and Noyes Smith. Rector "being the only member with any mechanical skill" was deputized to furnish the stamps and dies, which he did, using a small machine for turning iron. The engraving was done by Campbell. When all was in readiness, Rector was employed as coiner, no assaying being done or attempt made to part the silver from the gold. Indeed, it was not then known in Oregon that there was any silver in the crude metal, and all the pieces of the same denomination were made of the same weight, though the color varied considerably. About thirty thousand dollars were made into five-

[26] W. H. Rector's *Oregon Exchange Company*, in *Or. Archives*, MS., 193.
[27] *Moss' Pioneer Times*, MS., 59.
[28] Some severe strictures were passed upon it by A. E. Wait, a lawyer, and at that time editor of the *Spectator*, who declared with emphasis that the people of Oregon desired no law which conflicted with the laws of the United States; but only asked for the temporary privilege under the provisional government of coining gold to meet the requirements of business for the present; and that if this act was to be numbered among those which congress was asked to confirm, it was a direct insult to the United States. Wait may have been right as to the general sentiment of the people, or of the best and most patriotic men of the American party, but it is plain from the language of the memorial to the legislature that its framers were in a mood to defy the government which had so long appeared to be unmindful of them.

dollar pieces; and not quite the same amount into ten-dollar coins.[29] This coinage raised the price of dust from twelve to sixteen dollars an ounce, and caused a great saving to the territory. Being thrown into circulation, and quickly followed by an abundance of money from California, the intended check on the avarice of the merchants was effected.[30] The Oregon Exchange coinage went by the name 'beaver money,' and was eventually all called in by the United States mint in San Francisco, a premium being paid upon it, as it was of greater value than the denominations on the coins indicated.[31]

I have said that the effect of the gold discovery was to change the habits of the people. Where all

[29] The ten-dollar pieces differed from the fives by having over the beaver only the letters 'K. M. T. R. C. S.' underneath which were seven stars. Be-

TEN DOLLARS.

FIVE DOLLARS.

neath the beaver was 'O. T., 1849.' On the reverse was 'Oregon Exchange Company' around the margin, and '10 D. 20 G. Native Gold' with 'Ten D.' in the centre. *Thornton's Or. Relics*, MS., 5.

[30] *Or. Archives*, MS., 192–5; *Buck's Enterprises*, MS., 9–10. Rector says: 'I afterward learned that Kilborne took the rolling-mill to Umpqua. John G. Campbell had the dies the last I knew of them. He promised to destroy them;' to which J. Henry Brown adds that they were placed in the custody of the secretary of state, together with a $10 piece, and that he had made several impressions of the dies in block tin. A set of these impressions was presented to me in 1878 by Mr Brown, and is in my collection.

[31] *Or. Archives*, MS., 191, 196. Other mention of the 'beaver money' is made in *Or. Pioneer Asso. Trans.*, *1875*, 72, and *Portland Oregonian*, Dec. 8, 1866.

was economy and thrift before, there was now a tendency to profligacy and waste. This was natural. They had suffered so long the oppression of a want that could not be relieved, and the restraint of desires that could not be gratified without money, that when money came, and with such ease, it was like a draught of brandy upon an empty stomach. There was intoxication, sometimes delirium. Such was especially the case with the Canadians,[32] some of whom brought home thirty or forty thousand dollars, but were unable to keep it. The same was true of others. The pleasure of spending, and of buying such articles of luxury as now began to find their way to Oregon from an overstocked California market, was too great to be resisted. If they could not keep their money, however, they put it into circulation, and so contributed to supply a want in the community, and enable those who could not go to the mines, through fear of losing their land claims, or other cause, to share in the golden harvest.[33]

It has been held by some that the discovery of gold at this time seriously retarded the progress of Oregon.[34] This was not the case in general, though it may have been so in particular instances. It took agriculturists temporarily from their farms and mechanics from their shops, thereby checking the steady if slow march of improvement. But it found a market for agricultural products, raising prices several hundred per cent, and enabled the farmer to get gold for his produce, instead of a poor class of goods at exorbitant prices. It checked for two or three years the progress of building. While mill-owners obtained enormous prices for their lumber, the wages of mechanics advanced from a dollar and a half a day to eight dollars, and the day laborer was able to demand and obtain four dollars per day[35]

[32] *Anderson's Northwest Coast*, MS., 37–9; *Johnson's Cal. and Or.*, 206–7.
[33] *Sayward's Pioneer Remin.*, MS., 7.
[34] *Deady*, in *Overland Monthly*, i. 36; *Honolulu Friend*, May 3, 1851.
[35] *Brown's Autobiography*, MS., 37; *Strong's Hist. Or.*, MS., 15.

where he had received but one. Men who before were almost hopelessly in debt were enabled to pay. By the amended currency law, all debts that had to be collected by law were payable in gold instead of wheat. Many persons were in debt, and their creditors hesitated to sell their farms and thus ruin them; but all the same the dread of ruin hung over them, crushing their spirits. Six months in the gold mines changed all, and lifted the burden from their hearts. Another good effect was that it drew to the country a class, not agriculturists, nor mechanics, nor professional men, but projectors of various enterprises beneficial to the public, and who in a short time built steamboats in place of sloops and flatboats, and established inland transportation for passengers and goods, which gradually displaced the pack-train and the universal horseback travel. These new men enabled the United States government to carry out some of its proposed measures of relief in favor of the people of Oregon, in the matter of a mail service, to open trade with foreign ports, to establish telegraphic communication with California, and eventually to introduce railroads. These were certainly no light benefits, and were in a measure the result of the gold discovery. Without it, though the country had continued to fill up with the same class of people who first settled it, several generations must have passed before so much could have been effected as was now quickly accomplished. Even with the aid of government the country must have progressed slowly, owing to its distance from business and progressional centres, and the expense of maintaining intercourse with the parent government. Moreover, during this period of slow growth the average condition of the people with respect to intellectual progress would have retrograded. The adult population, having to labor for the support of families, and being deprived through distance and the want of money from keeping up their former intellectual pursuits, would have ceased to feel their

former interest in learning and literature. Their children, with but poor educational facilities and without the example, would have grown up with acquirements inferior to those of their parents before emigrating. Reared in poor houses, without any of the elegancies of life,[36] and with but few of the ordinary conveniences, they would have missed the refining influences of healthy environment, and have fallen below the level of their time in regard to the higher enjoyments of living. The people being chiefly agricultural and pastoral, from their isolation would have become fixed in their ideas and prejudices. As the means of living became plenty and little exertion was required, they would become attached to an easy, careless, unthinking mode of existence, with a tendency even to resent innovations in their habits to which a higher degree of civilization might invite them. Such is the tendency of poverty and isolation, or of isolation and rude physical comforts, without some constant refining agency at hand.

One of the immediate effects of the mining exodus of 1848 was the suspension of the legislature.[37] On the day appointed by law for the assembling of the legislative body only nine members were present, representing four counties; and this notwithstanding the governor had issued proclamations to fill vacancies occurring through the resignation of members-elect.[38] Even after the sergeant-at-arms had compelled the appearance of four members from Cham-

[36] *Strong's Hist. Or.*, MS., 21.

[37] The members elect of the legislature were: from Clackamas, A. L. Lovejoy, G. L. Curry, J. L. Snook; Tualatin, Samuel R. Thurston, P. H. Burnett, Ralph Wilcox; Champoeg, Albert Gains, Robert Newell, W. J. Bailey, William Porter; Yamhill, A. J. Hembree, L. A. Rice, William Martin; Polk, Harrison Linville, J. W. Nesmith, O. Russell; Linn, Henry J. Peterson, Anderson Cox; Lewis, Levi L. Smith; Clatsop, A. H. Thompson; Vancouver, Adolphus L. Lewis. *Grover's Or. Archives*, 258.

[38] The members elected to fill vacancies were Samuel Parker, in Champoeg County; D. Hill, in Tualatin; A. F. Hedges and M. Crawford, in Clackamas. *Id.*, 260. Two other substitutes were elected—Thomas J. Lovelady of Polk county, and A. M. Locke of Benton, neither of whom served.

poeg, Polk, and Linn counties, there were still but thirteen out of twenty-three allowed by the apportionment. After organizing by choosing Ralph Wilcox speaker, W. G. T'Vault chief clerk, and William Holmes sergeant-at-arms and door-keeper, the house adjourned till the first Monday in February, to give time for special elections to fill the numerous vacancies.

The governor having again issued proclamations to the vacant districts to elect, on the 5th of February 1849 there convened at Oregon City the last session of the provisional legislature of the Oregon colony. It consisted of eighteen members, namely: Jesse Applegate, W. J. Bailey, A. Cox, M. Crawford, G. L. Curry, A. F. Hedges, A. J. Hembree, David Hill, John Hudson, A. L. Lewis, W. J. Martin, S. Parker, H. J. Peterson, William Portius, L. A. Rice, S. R. Thurston, J. C. Avery, and Ralph Wilcox.[39]

Lewis County remained unrepresented, nor did Avery of Benton appear until brought with a warrant, an organization being effected with seventeen members. Wilcox declining to act as speaker, Levi A. Rice was chosen in his place, and sworn into office by S. M. Holderness, secretary of state. T'Vault was reëlected chief clerk; James Cluse enrolling clerk;

[39] Ralph Wilcox was born in Ontario county, New York, July 9, 1818. He graduated at Geneva medical college in that state, soon after which he removed to Missouri, where on the 11th of October 1845 he married, emigrating to Oregon the following year. In January 1847 he was appointed by Abernethy county judge of Tualatin *vice* W. Burris resigned, and the same year was elected to the legislature from the same county, and re-elected in 1848. Besides being chosen speaker at this session, he was elected speaker of the lower house of the territorial legislature in 1850-1, and president of the council in 1853-4. During the years 1856-8 he was register of the U. S. land office at Oregon City, and was elected in the latter year county judge of Washington (formerly Tualatin) county, an office which he held till 1862, when he was again elected to the house of representatives for two years. In July 1865 he was appointed clerk of the U. S. district court for the district of Oregon, and U. S. commissioner for the same district, which office he continued to hold down to the time of his death, which occurred by suicide, April 18, 1877, having shot himself in a state of mental depression caused by paralysis. Notwithstanding his somewhat free living he had continued to enjoy the confidence of the public for thirty years. The Portland bar passed the usual eulogistic resolutions. *Oregon City Enterprise*, April 26, 1877; *S. F. Alta*, April 19, 1877; *Cal. Christian Advocate*, May 3, 1877; *Portland Oregonian*, April 21, 1877; *Deady*, in *Or. Pioneer Asso. Trans.*, 1875, 37-8.

Stephen H. L. Meek sergeant-at-arms, and Wilson Blain chaplain.

Abernethy in his message to the legislature informed them that his proclamation had called them together for the purpose of transacting the business which should have been done at the regular session, relating chiefly to the adjustment of the expenses of the Cayuse war, which it was expected the United States government would assume; and also to act upon the amendments to the organic law concerning the oath of office, the prohibition of the sale and manufacture of ardent spirits, and to make the clerks of the several counties recorders of land claims, which amendments had been sanctioned by the vote of the people at the regular election. Information had been received, he said, that the officers necessary to establish and carry on the territorial government, for which they had so long hoped, were on their way and would soon arrive;[40] and he plainly indicated that he expected the matters pointed out to be settled in a certain way, before the new government should be established, confirming the acts of the retiring organization.[41]

The laws passed relating to the Cayuse war were an act to provide for the pay of the commissioned offi-

[40] This information seems to have been brought to Oregon in January 1849, by O. C. Pratt, one of the associate judges, who happened to be in California, whither he had gone in pursuit of health. His commission met him at Monterey about the last of Nov., and in Dec. he left for Oregon on the bark *Undine* which after a long voyage, and being carried into Shoalwater Bay, finally got into the Columbia in Jan. *Salem Or. Statesman*, Aug. 7, 1852; *Or. Spectator*, Jan. 25, 1849.

[41] He submitted the report of the adjutant-general, by which it appeared that the amount due to privates and non-commissioned officers was $109,-311.50, besides the pay of the officers and those persons employed in the different departments. He recommended that a law should be passed authorizing scrip to be issued for that amount, redeemable at an early date, and bearing interest until paid. The belief that the general government would become responsible would, he said, make the scrip salable, and enable the holders to whom it should be issued to realize something immediately for their services. *Grover's Or. Archives*, 273. This was the beginning of speculation in Oregon war scrip. As to the report of the commissary and quartermaster-general, the governor left that for the legislature to examine into, and the accounts so far as presented in those departments amounted to something like $57,000, making the cost of the war without the salaries of the commissioned officers over $166,000. This was subsequently much reduced by a commission, as I shall show in the proper place.

cers employed in the service of the territory during the hostilities, and an act regulating the issuing and redemption of scrip,[42] making it payable to the person to whom first issued, or bearer, the treasurer being authorized to exchange or redeem it whenever offered, with interest. Another act provided for the manner of exchange, and interest payments. An act was passed making a change in the oath of office, and making county clerks recorders of land claims, to which the governor refused his signature on the plea that the United States laws would provide for the manner of recording claims. On the other hand the legislature refused to amend the organic law by putting in the word 'prohibit' in place of 'regulate,' but passed an act making it necessary for every person applying for a license to sell or manufacture ardent spirits, to take an oath not to sell, barter, or give liquor to any Indian, fixing the penalty at one hundred dollars; and no distilleries were to be allowed beyond the limits of the white settlements. With this poor substitute for the entire interdiction he had so long desired, the governor was compelled to be so far satisfied as to append his signature.

Besides the act providing for weighing and stamping gold, of which I have spoken, little more was done than is here mentioned. Some contests took place between members over proposed enactments, and Jesse Applegate,[43] as customary with him, offered

[42] The first act mentioned here I have been unable to find. I quote the *Or. Spectator*, Feb. 22, 1849. In place of it I find in the *Or. Laws*, 1843–9, 56–8, an act providing for 'the final settlement of claims against the Oregon government for and on account of the Cayuse war,' by which a board of commissioners was appointed to settle and adjust those claims; said commissioners being Thomas Magruder, Samuel Burch, and Wesley Shannon, whose duty was to exhibit in detail a statement of all accounts, whether for money or property furnished the government, or for services rendered, 'either as a citizen, soldier, or officer of the army.' This might be construed as an act to provide for the pay of commissioned officers.

[43] Ever since first passing through southern Oregon on his exploring expedition, he had entertained a high opinion of the country; and he brought in a bill to charter an association called the Klamath Company, which was to have power to treat with the natives and purchase lands from them. Mr Hedges opposed the bill, and offered a resolution, 'that it was not in the power of the house to grant a charter to any individual, or company, for

resolutions and protests *ad arbitrium et propositum.* Another man, Samuel R. Thurston, an emigrant of 1847, displayed indications of a purpose to make his talents recognized. In the course of proceedings A. L. Lewis, of Vancouver county, offered a resolution that the superintendent of Indian affairs be required to report,[44] presently asking if there were an Indian superintendent in Oregon at all.

The governor replied that H. A. G. Lee had resigned the superintendency because the compensation bore no proportion to the services required, and that since Lee's resignation he had performed the duties of superintendent, not being able to find any competent person who would accept the office. In a second communication he reported on Indian affairs that the course pursued had been conciliatory, and that the Indians had seemingly become quiet, and had ceased their clamor for pay for their lands, waiting for the United States to move in the matter; and the Cayuse murderers had not been secured. With regard to the confiscation of Indian lands, he returned for answer

treating for wild lands in the territory, or for holding treaties with the Indian tribes for the purchase of lands,' all of which was very apparent. But Mr Applegate introduced the counter resolution 'that if the doctrine in the resolution last passed be true, then the powers of the Oregon government are unequal to the wants of the people,' which was of course equally true, as it was only provisional.

[44] He wished to know, he said, whether the superintendent had upon his own or the authority of any other officer of the government confiscated to the use of the people of Oregon any Indian country, and if so, why; if any grant or charter had been given by him to any citizen or citizens for the settlement of any Indian country, and if so, by what authority; and whether he had enforced the law prohibiting the sale of liquor to Indians. 'A. Lee Lewis,' says Applegate, 'a bright young man, the son of a chief factor, afterward superintendent of Indian affairs, was the first representative of Vancouver district.' *Views of Hist.*, MS., 45. Another British subject, who took a part in the provisional government, was Richard Lane, appointed by Abernethy county judge of Vancouver in 1847, *vice* Dugald McTavish resigned. *Or. Spectator*, Jan. 21, 1847. Lane came to Oregon in 1837 as a clerk to the Hudson's Bay Company. He was a ripe scholar and a good lawyer. He lived for some time at Oregon City, and afterward at Olympia, holding various offices, among others those of clerk of one branch of the territorial legislature of Washington, clerk of the supreme and district courts, county auditor, and clerk of the city corporation of Olympia. He died at The Dalles in the spring of 1877, from an overdose of morphine, apparently taken with suicidal intent. He was then about sixty years of age. *Dalles Mountaineer*, in *Seattle Pacific Tribune*, March 2, 1877.

that he believed Lee had invited the settlement of Americans in the Cayuse country, but that he knew nothing of any charter having been granted to any one, and that he presumed the settlement would have been made by each person locating a claim of six hundred and forty acres. He reiterated the opinion expressed to Lee, when the superintendent sought his advice, that the Cayuses having been engaged in war with the Americans the appropriation of their lands was justifiable, and would be so regarded by the neighboring tribes. As to liquor being sold to the Indians, though he believed it was done, he had never yet been able to prove it in a single instance, and recommended admitting Indian testimony.

The legislature adjourned February 16th, having put, so far as could be done, the provisional government in order, to be confirmed by act of congress, even to passing an act providing for the payment of the several departments—a necessary but hitherto much neglected duty of the organization[45]—and also to the election of territorial officers for another term.[46] These were never permitted to exercise official functions, as but two weeks elapsed between the close of the session and the arrival of Lane with the new order of things.

Note finally the effect of the gold discovery on immigration. California in 1849 of course offered

[45] The salary of the governor was nominally $500, but really nothing, as the condition of the treasury was such as to make drafts upon it worthless except in a few cases. Abernethy did not receive his pay from the provisional government, and as the territorial act did not confirm the statutes passed by the several colonial legislatures, he had no redress. After Oregon had become a state, and when by a series of misfortunes he had lost nearly all his possessions, after more than 20 years' waiting Abernethy received his salary as governor of the Oregon colony by an appropriation of the Oregon legislature Oct. 1872. The amount was $2,986.21, which congress was asked to make good to the state.

[46] A. L. Lovejoy was elected supreme judge in place of Columbia Lancaster, appointed by the governor in place of Thornton, who resigned in 1847. W. S. Mattock was chosen circuit judge; Samuel Parker, prosecuting attorney; Theophilus Magruder, secretary of the territory; W. K. Kilborne, treasurer; John G. Campbell, auditor; W. H. Bennett, marshal, and A. Lee Lewis, superintendent of Indian affairs. *Or. Spectator*, Feb. 22, 1849.

the great attraction. The four or five hundred who were not dazzled with the visions of immediate wealth that beckoned southward the great army of gold-seekers, but who suffered with them the common discomforts of the way, were glad to part company at the place where their roads divided on the western slope of the Rocky Mountains.

On the Oregon part of the road no particular discouragement or distress befell the travellers until they reached The Dalles and began the passage of the mountains or the river. As no emigration had ever passed over the last ninety miles of their journey to the Willamette Valley without accident or loss, so these had their trials with floods and mountain declivities,[47] arriving, however, in good time, after having been detained in the mountains by forest fires which blocked the road with fallen timber. This was another form of the inevitable hardship which year after year fell upon travellers in some shape on this part of their journey. The fires were an evidence that the rains came later than usual, and that the former trials from this source of discomfort were thus absent.[48] Such was the general absorption of the public mind in other affairs that the immigration received little notice.

Before gold was discovered it was land that drew men to the Pacific, land seen afar off through a rosy mist which made it seem many times more valuable and beautiful than the prolific valleys of the middle and western states. And now, even before the donation law had passed, the tide had turned, and gold was the magnet more potent than acres to attract. How far population was diverted from the north-west, and to what extent California contributed to the develop-

[47] Gen. Smith in his report to the secretary of war said that the roads to Oregon were made to come into it, but not to go out of it, referring to the steep descents of the western declivities of the Cascade Mountains.

[48] A long dry autumn in 1849 was followed by freshets in the Willamette Valley in Dec. and Jan., which carried off between $40,000 and $50,000 worth of property. *Or. Spectator*, Jan. 10, 1850.

ment of the resources of Oregon,[49] the progress of this history will show. Then, perhaps, after all it will be seen that the distance of Oregon from the Sierra Foothills proved at this time the greatest of blessings, being near enough for commercial communication, and yet so far away as to escape the more evil consequences attending the mad scramble for wealth, such as social dissolution, the rapine of intellect and principle, an overruling spirit of gambling—a delirium of development, attended by robbery, murder, and all uncleanness, and followed by reaction and death.

[49] When J. Q. Thornton was in Washington in 1848, he had made a seal for the territory, the design of which was appropriate. In the centre a shield, two compartments. Lower compartment, in the foreground a plough; in the distance, mountains. In the upper compartment, a ship under full sail. The crest a beaver; the sinister supporter an Indian with bow and arrow, and a mantle of skins over his shoulders; the dexter supporter an eagle with wings displayed; the motto—*alis volet propriis*—I fly with my own wing. Field of the lower compartment argent; of the upper blue. This seal was presented to the governor and secretary in 1850, and by them adopted. By act of Jan. 1854, it was directed to be deposited, and recorded in the office of the secretary, to remain a public record; but so far as can be ascertained it was never done. *Or. Gen. Laws*, 1845–1864, p. 627. For fac-simile of seal see p. 487, this vol.

CHAPTER III.

LANE'S ADMINISTRATION.

1849-1850.

INDIAN AFFAIRS—TROUBLES IN COWLITZ VALLEY—FORT NISQUALLY ATTACKED—ARRIVAL OF THE UNITED STATES SHIP 'MASSACHUSETTS'—A MILITARY POST ESTABLISHED NEAR NISQUALLY—THORNTON AS SUB-INDIAN AGENT—MEETING OF THE LEGISLATIVE ASSEMBLY—MEASURES ADOPTED—JUDICIAL DISTRICTS—A TRAVELLING COURT OF JUSTICE—THE MOUNTED RIFLE REGIMENT—ESTABLISHMENT OF MILITARY POSTS AT FORT HALL, VANCOUVER, STEILACOOM, AND THE DALLES—THE VANCOUVER CLAIM—GENERAL PERSIFER F. SMITH—HIS DRUNKEN SOLDIERS—THE DALLES CLAIM—TRIAL AND EXECUTION OF THE WHITMAN MURDERERS.

GOVERNOR LANE lost no time in starting the political wheels of the territory. First a census must be taken in order to make the proper apportionment before ordering an election; and this duty the marshal and his deputies quickly performed.[1] Meanwhile the governor applied himself to that branch of his office which made him superintendent of Indian affairs, the Indians themselves—those that were left of them—being prompt to remind him of the many years they had been living on promises, and the crumbs which were dropped from the tables of their white brothers. The result was more promises, more fair words, and further assurances of the intentions of the great chief of the Americans toward his naked and hungry red children. Nevertheless the superintendent did decide a case

[1] The census returns showed a total of 8,785 Americans of all ages and both sexes and 298 foreigners. From this enumeration may be gathered some idea of the great exodus to the gold mines of both Americans and British subjects. Indians and Hawaiians were not enumerated. *Honolulu Friend*, Oct. 1849, 51.

against some white men of Linn City who had possessed themselves of the site of a native fishing village on the west bank of the Willamette near the falls, after maliciously setting fire to the wretched habitations and consuming the poor stock of supplies contained therein. The Indians were restored to their original freehold, and quieted with a promise of indemnification, which, on the arrival of the first ten thousand dollar appropriation for the Indian service in April, was redeemed by a few presents of small value, the money being required for other purposes, none having been forwarded for the use of the territory.[2]

In order to allay a growing feeling of uneasiness among the remoter settlements, occasioned by the insolent demeanor of the Kliketats, who frequently visited the Willamette and perpetrated minor offences, from demanding a prepared meal to stealing an ox or a horse, as the Molallas had done on previous occasions, Lane visited the tribes near The Dalles and along the north side of the Columbia, including the Kliketats, all of whom at the sight of the new white chief professed unalterable friendship, thinking that now surely something besides words would be forthcoming. A few trifling gifts were bestowed.[3] Presently a messenger arrived from Puget Sound with information of the killing of an American, Leander C. Wallace, of Cowlitz Valley, and the wounding of two others, by the Snoqualimichs. It was said that they had concocted a plan for capturing Fort Nisqually by fomenting a quarrel with a small and inoffensive tribe living near the fort, and whom they employed sometimes as herdsmen. They reckoned upon the company's interference, which was to furnish the opportunity. As they had expected, when they began the

[2] *Honolulu Friend*, Oct. 1849, 58; *Lane's Rept.* in *31st Cong., 2d Sess., H. Ex. Doc. 1*, 156.

[3] Lane says the amount expended on presents was about $200; and that he made peace between the Walla Wallas and Yakimas who were about to go to war.

affray, the Indians attacked ran to the fort, and Tolmie, who was in charge, ordered the gates opened to give them refuge. At this moment, when the Snoqualimichs were making a dash to crowd into the fort on the pretence of following their enemies, Wallace, Charles Wren, and a Mr Lewis were riding toward it, having come from the Cowlitz to trade. On seeing their danger, they also made all haste to get inside, but were a moment too late, when, the gates being closed, the disappointed savages fired upon them, as I have said, besides killing one of the friendly Indians who did not gain the shelter of the fort.[4] Thibault, a Canadian, then began firing on the assailants from one of the bastions. The Indians finding they had failed retreated before the company could attack them in full force. There was no doubt that had the Snoqualimichs succeeded in capturing the fort, they would have massacred every white person on the Sound. Finding that they had committed themselves, they sent word to the American settlers, numbering about a dozen families, that they were at liberty to go out of the country, leaving their property behind. But to this offer the settlers returned answer that they intended to stay, and if their property was threatened should fight. Instead of fleeing, they built block houses at Tumwater and Cowlitz prairie, to which they could retire in case of alarm, and sent a messenger to the governor to inform him of their situation.

There were then at Oregon City neither armies nor organized courts. Lieutenant Hawkins and five men

[4] This is according to the account of the affair given by several authorities. See Tolmie in the Feb. 3d issue of *Truth Teller*, a small sheet published at Fort Steilacoom in 1858; also in *Hist. Puget Sound*, MS., 33–5. A writer in the *Olympia Standard* of April 11, 1868, says that Wren had his back against the wall and was edging in, but was shut out by Walter Ross, the clerk, who with one of the Nisquallies was on guard. This writer also says that Patkanim, a chief of the Snoqualimichs, afterward famous in the Indian wars, was inside the fort talking with Tolmie, while the chief's brother shot at and killed Wallace. These statements, while not intentionally false, were colored by rumor, and by the prejudice against the fur company, which had its origin with the first settlers of the Puget Sound region, as it had had in the region south of the Columbia. See also *Roberts' Recollections*, MS., 35; *Rabbison's Growth of Towns*, MS., 17.

who had not deserted constituted the military force at Lane's command. Acting with characteristic promptness, he set out at once for Puget Sound, accompanied by these, taking with him a supply of arms and ammunition, and leaving George L. Curry acting secretary by his appointment, Pritchett not yet having arrived. At Tumwater he was overtaken by an express from Vancouver, notifying him of the arrival of the propeller *Massachusetts*, Captain Wood, from Boston, by way of Valparaiso and the Hawaiian Islands, having on board two companies of artillery under Brevet-Major Hathaway, who sent Lane word that if he so desired, a part of his force should be moved at once to the Sound.[5]

Lane returned to the Columbia, at the same time despatching a letter to Tolmie at Fort Nisqually, requesting him to inform the hostile Indians that should they commit any further outrages they would be visited with chastisement, for now he had fighting men enough to destroy them; also making a request that no ammunition should be furnished to the Indians.[6] His plan, he informed the secretary of war afterward, was, in the event of a military post being established on the Sound, to secure the coöperation of Major Hathaway in arresting and punishing the Indians according to law for the murder of American citizens.

On reaching Vancouver, about the middle of June, he found the *Massachusetts* ready to depart,[7] and Hathaway encamped in the rear of the Hudson's Bay Company's fort with one company of artillery, the other, under Captain B. H. Hill, having been left at Astoria, quartered in the buildings erected by the

[5] The transport *Massachusetts* entered the Columbia May 7th, by the sailing directions of Captain Gelston, without difficulty. *Honolulu Friend*, Nov. 1, 1849. This was the first government vessel to get safely into the river.

[6] *Lane's Rept.* to the *Sec. War.*, in *31st Cong.*, *2d Sess.*, *H. Ex. Doc. 1*, 157.

[7] The *Massachusetts* went to Portland, where she was loaded with lumber for the use of the government in California in building army quarters at Benicia; the U. S. transport *Anita* was likewise employed. *Ingall's Rept.*, in *31st Cong.*, *2d Sess.*, *H. Ex. Doc. 1*, 284.

Shark's crew in 1846.[8] It was soon arranged between Hathaway and Lane that Hill's company should establish a post near Nisqually, when the Indians would be called upon to surrender the murderer of Wallace. The troops were removed from Astoria about the middle of July, proceeding by the English vessel *Harpooner* to Nisqually.

On the 13th of May the governor's proclamation was issued dividing the territory into judicial districts; the first district, to which Bryant, who arrived on the 9th of April, was assigned, consisting of Vancouver and several counties immediately south of the Columbia; the second, consisting of the remaining counties in the Willamette Valley, to which Pratt was assigned; and the third the county of Lewis, or all the country north of the Columbia and west of Vancouver county, including the Puget Sound territory, for which there was no judge then appointed.[9] The June election gave Oregon a *bona fide* delegate to congress, chosen by the people, of whom we shall know more presently.

When the governor reached his capital he found that several commissions, which had been intended to overtake him at St Louis or Leavenworth, but which failed, had been forwarded by Lieutenant Beale to California, and thence to Oregon City. These related to the Indian department, appointing as sub-Indian agents J. Q. Thornton, George C. Preston, and Robert Newell,[10] the Abernethy delegate being rewarded at last with this unjudicial office by a relenting president. As Preston did not arrive with his commission, the territory was divided into two districts,

[8] The whole force consisted of 161 rank and file. They were companies L and M of the 1st regiment of U. S. artillery, and officered as follows: Major J. S. Hathaway commanding; Captain B. H. Hill, commanding company M; 1st lieut., J. B. Gibson, 1st lieut., T. Talbot, 2d lieut., G. Tallmadge, company M; 2d lieut., J. Dement, company L; 2d lieut., J. J. Woods, quartermaster and commissary; 2d lieut., J. B. Fry, adjutant. *Honolulu Polynesian*, April 14, 1849.

[9] Evans, in *New Tacoma Ledger*, July 9, 1880.

[10] *American Almanac*, 1850, 108–9; *Or. Spectator*, Oct. 4, 1849.

and Thornton assigned by the governor to the north of the Columbia, while Newell was given the country south of the river as his district. This arrangement sent Thornton to the disaffected region of Puget Sound. On the 30th of July he proceeded to Nisqually, where he was absent for several weeks, obtaining the information which was embodied in the report of the superintendent, concerning the numbers and dispositions of the different tribes, furnished to him by Tolmie.[11] While on this mission, during which he visited some of the Indians and made them small presents, he conceived it his duty to offer a reward for the apprehension of the principal actors in the affair at Nisqually, nearly equal to the amount paid by Ogden for the ransom of all the captives after the Waiilatpu massacre, amounting to nearly five hundred dollars. This assumption of authority roused the ire of the governor, who probably expressed himself somewhat strongly, for Thornton resigned, and as Newell shortly after went to the gold mines the business of conciliating and punishing the Indians again devolved upon the governor.

On the 16th of July the first territorial legislative assembly met at Oregon City. According to the act establishing the government, the legislature was organized with nine councilmen, of three classes, whose terms should expire with the first, second, and third years respectively; and eighteen members of the house of representatives, who should serve for one year; the law, however, providing for an increase in the number of representatives from time to time, in proportion to the number of qualified voters, until the maximum of thirty should be reached.[12] After the

[11] *31st Cong., 2d Sess., H. Ex. Doc.* 1, 161.

[12] The names of the councilmen were: W. U. Buck, of Clackamas; Wilson Blain, of Tualatin; Samuel Parker and Wesley Shannon, of Champoeg; J. Graves, of Yamhill; W. B. Mealey, of Linn; Nathaniel Ford, of Polk; Norris Humphrey, of Benton; S. T. McKean, of Clatsop, Lewis, and Vancouver counties. The members of the house elected were: A. L. Lovejoy, W. D. Holman,

usual congratulations Lane, in his message to the legislature, alluded briefly to the Cayuses, who, he promised, should be brought to justice as soon as the rifle regiment then on its way should arrive. Congress would probably appropriate money to pay the debt, amounting to about one hundred and ninety thousand dollars. He also spoke of the Wallace affair, and said the murderers should be punished.

His suggestions as to the wants of the territory were practical, and related to the advantages of good roads; to a judicious system of revenues; to the revision of the loose and defective condition of the statute laws, declared by the organic act to be operative in the territory;[13] to education and common schools; to the organization of the militia; to election matters and providing for apportioning the representation of counties and districts to the council and house of representatives, and defining the qualification of voters, with other matters appertaining to government. He left the question of the seat of government to their choice, to decide whether it should be fixed by them or at some future session. He referred with pleasure to the return of many absentees from the mines, and hoped they would resume the cultivation of their farms, which from lying idle would give the country only a short crop, though there was still enough for home consumption.[14] He

and G. Walling, of Clackamas; D. Hill and W. W. Eng, of Tualatin; W. W. Chapman, W. S. Matlock, and John Grim, of Champoeg; A. J. Hembree, R. Kinney, and J. B. Walling, of Yamhill; Jacob Conser and J. S. Dunlap, of Linn; H. N. V. Holmes and S. Burch, of Polk; J. Mulkey and G. B. Smith, of Benton; and M. T. Simmons from Clatsop, Lewis, and Vancouver counties. *Honolulu Friend*, Nov. 1, 1849; *American Almanac*, 1849, 312. The president of the council was Samuel Parker; the clerk, A. A. Robinson; sergeant-at-arms, C. Davis; door-keeper, S. Kinney; chaplain, David Leslie. Speaker of the house, A. L. Lovejoy; chief clerk, William Porter; assistant clerk, E. Gendis; sergeant-at-arms, William Holmes; door-keeper, D. D. Bailey; chaplain, H. Johnson. *Honolulu Friend*, Nov. 1, 1849; *Or. Spectator*, Oct. 18, 1849.

[13] Lane's remarks on the laws of the provisional government were more truthful than flattering, considering what a number had been simply adopted from the Iowa code. Message in *Or. Spectator*, Oct. 4, 1849; *31st Cong., 1st Sess., S. Doc. 52*, xiii. 7-12; *Tribune Almanac*, 1850-51.

[14] *Patent Office Rept.*, 1849, ii. 511-12.

predicted that the great migration to California would benefit Oregon, as many of the gold-seekers would remain on the Pacific coast, and look for homes in the fertile and lovely valleys of the new territory. And last, but by no means least in importance, was the reference to the expected donation of land for which the people were waiting, and all the more anxiously that there was much doubt entertained of the tenure by which their claims were now held, since the only part of the old organic law repealed was that which granted a title to lands.[15] He advised them to call the attention of congress to this subject without delay. In short, if Lane had been a pioneer of 1843 he could not have touched upon all the topics nearest the public heart more successfully. Hence his immediate popularity was assured, and whatever he might propose was likely to receive respectful consideration.

The territorial act allowed the first legislative assembly one hundred days, at three dollars a day, in which to perform its work. A memorial to congress occupied it two weeks; still, the assembly closed its labors in seventy-six days,[16] having enacted what the *Spectator* described as a "fair and respectable code of laws," and adopted one hundred acts of the Iowa statutes. The memorial set forth the loyalty of the people, and the natural advantages of the country, not forgetting the oft-repeated request that congress would grant six hundred and forty acres of land to each actual settler, including widows and orphans; and that the donations should be made to conform to the claims and improvements of the settlers; but if congress decided to have the lands surveyed, and to make grants by subdivisions, that the settler might be permitted to take his land in subdivisions as low as twenty acres, so as to include his improvements, without regard to section or township lines. The govern-

[15] *Or. Gen. Laws*, 1843-9, 60.

[16] The final adjournment was on the 29th of September, a recess having been taken to attend to gathering the ripened wheat in August, there being no other hands to employ in this labor. *Deady's Hist. Or.*, MS., 3-5.

ment was reminded that such a grant had been long expected; that, indeed, congress was responsible for the expectation, which had caused the removal to Oregon of so large a number of people at a great cost to themselves; that they were happy to have effected by such emigration the objects which the government had in view, and to have been prospectively the promoters of the happiness of millions yet unborn, and that a section of land to each would no more than pay them for their trouble. The memorial asked payment for the cost of the Cayuse war, and also for an appropriation of ten thousand dollars to pay the debt of the late government, which, adopted as a necessity, and weak and inefficient as it had been, still sufficed to regulate society and promote the growth of wholesome institutions.[17] A further appropriation of twenty thousand dollars was asked for the erection of public buildings at the seat of government suitable for the transaction of the public business, which was no more than had been appropriated to the other territories for the same purpose. A sum sufficient for the erection of a penitentiary was also wanted, and declared to be as much in the interest of the United States as of the territory of Oregon.

With regard to the school lands, sections sixteen and thirty-six, which would fall upon the claims of some settlers, it was earnestly recommended that congress should pass a law authorizing the township authorities, if the settlers so disturbed should desire, to select other lands in their places. At the same time congress was reminded that under the distribution act, five hundred thousand acres of land were given to each new state on coming into the union; and the people of Oregon asked that the territory be allowed to select such lands immediately on the public

[17] Congress never paid this debt. In 1862 the state legislature passed an act constituting the secretary commissioner of the provincial government debt, and register of the claims of scrip-holders. A report made in 1864 shows that claims to the amount of $4,574.02 only had been proven. Many were never presented.

surveys being made, and also that a law be passed authorizing the appropriation of said lands to the support of the common schools.

A military road from some point on the Columbia below the cascades to Puget Sound was asked for; also one from the sound to a point on the Columbia, near Walla Walla;[18] also one from The Dalles to the Willamette Valley; also that explorations be made for a road from Bear River to the Humboldt, crossing the Blue Mountains north of Klamath Lake, and entering the Willamette Valley near Mount Jefferson and the Santiam River. Other territorial and post roads were asked for, and an appropriation to make improvements at the falls of the Willamette. The usual official robbery under form of the extinguishment of the Indian title, and their removal from the neighborhood of the white settlements, was unblushingly urged. The propriety of making letters to Oregon subject to the same postage as letters within the States was suggested. Attention was called to the difficulties between American citizens and the Puget Sound Agricultural Company with regard to the extent of the company's claim, which was a large tract of country enclosed within undefined and imaginary lines. They denied the right of citizens of the United States to locate on said lands, while the people contended that the company had no right to any lands except such as they actually occupied at the time of the Oregon treaty of 1846. The government was requested to purchase the lands rightfully held by treaty in order to put an end to disputes. The memorial closed by coolly asking for a railroad and telegraph to the Pacific, though there were not people enough in all Oregon to make a good-sized country town.[19]

This document framed, the business of laying out

[18] Pierre C. Pambrun and Cornelius Rogers explored the Nisqually Pass as early as 1839, going from Fort Walla Walla to Fort Nisqually by that route. *Or. Spectator*, May 13, 1847.

[19] *Oregon Archives*, MS., 176–186; *31st Cong., 2d Sess., Sen. Mis. Doc. 5*, 6.

the judicial districts was attended to. Having first changed the names of several counties,[20] it was decreed that the first judicial district should consist of Clackamas, Marion, and Linn; the second district of Benton, Polk, Yamhill, and Washington; and the third of Clarke, Clatsop, and Lewis. The time for holding court was also fixed.[21]

While awating a donation law an act was passed declaring the late land law in force, and that any person who had complied or should thereafter comply with its provisions should be deemed in possession to every part of the land within his recorded boundary, not exceeding six hundred and forty acres. But the same act provided that no foreigner should be entitled to the benefits of the law, who should not have, within six months thereafter, filed his declaration of intention to become a citizen of the United States.[22]

The new land law amended the old to make it conform to the territorial act, declaring that none but white male citizens of the United States, over eighteen years of age, should be entitled to take claims under the act revived. The privilege of holding claims during absence from the territory by paying five dollars annually was repealed; but it was declared not necessary to reside upon the land, if the claimant continued to improve it, provided the claimant should not be absent more than six months. It was also de-

[20] The first territorial legislature changed the name of Champoeg county to Marion; of Tualatin to Washington, and of Vancouver to Clarke. *Or. Spectator*, Oct. 18th.

[21] As there was yet no judge for the third judicial district, and the time for holding the court in Lewis county had been appointed for the second Monday in May and November, Governor Lane prevailed upon the legislature to attach the county of Lewis to the first judicial district which was to hold its first session on the first Monday in September, and to appoint the first Monday in October for holding the district court at Steilacoom in the county of Lewis. This change was made in order to bring the trial of the Snoqualimichs in a season of the year when it would be possible for the court to travel to Puget Sound.

[22] 'During the month of May several hundred foreigners were naturalized.' *Honolulu Friend*, Oct. 1, 1849. There was a doubt in the mind of Judge Bryant whether Hawaiians could become naturalized, the law of congress being explicit as to negroes and Indians, but not mentioning Sandwich Islanders.

clared that land claims should descend to heirs at law as personal property.

An act was passed at this session which made it unlawful for any negro or mulatto to come into or reside in the territory; that masters of vessels bringing them should be held responsible for their conduct, and they should not be permitted to leave the port where the vessel was lying except with the consent of the master of the vessel, who should cause them to depart with the vessel that brought them, or some other, within forty days after the time of their arrival. Masters or owners of vessels failing to observe this law were made subject to fine not less than five hundred dollars, and imprisonment. If a negro or mulatto should be found in the territory, it became the duty of any judge to issue a warrant for his arrest, and cause his removal; and if the same negro or mulatto were twice found in the territory, he should be fined and imprisoned at the discretion of the court. This law, however, did not apply to the negroes already in the territory. The act was ordered published in the newspapers of California.[23]

The next most interesting action of the legislative assembly was the enactment of a school law, which provided for the establishment of a permanent irreducible fund, the interest on which should be divided annually among the districts; but as the school lands could not be made immediately available, a tax of two mills was levied for the support of common schools in the interim. The act in its several chapters created the offices of school commissioner and directors for each county and defined their duties; also the duties of teachers. The eighth chapter relating to the powers of district meetings provided that until the counties were districted the people in any neighborhood, on ten days' notice, given by any two legal voters, might call a meeting and organize a district; and the district

[23] *Or. Statutes, 1850–51*, 181–2, 246–7; *Dix. Speeches*, i. 309–45, 372, 377–8.

meeting might impose an ad valorem tax on all taxable property in the district for the erection of school houses, and to defray the incidental expenses of the districts, and for the support of teachers. All children between the ages of four and twenty-one years were entitled to the benefits of public education.[24]

It is unnecessary to the purposes of this history to follow the legislature of the first territorial assembly further. No money having been received[25] for the payment of the legislators or the printing of the laws, the legislators magnanimously waived their right to take the remaining thirty days allowed them, and thus left some work for the next assembly to do.[26]

On the 21st of September the assembly was notified, by a special message from the governor, of the death of ex-President James K. Polk, the friend of Oregon, and the revered of the western democracy. As a personal friend of Lane, also, his death created a profound sensation. The legislature after draping both houses in mourning adjourned for a week. Public obsequies were celebrated, and Lane delivered a highly eulogistic address. Perhaps the admirers of Polk's administration and political principles were all the more earnest to do him honor that his successor

[24] Says Buck in his *Enterprises*, MS., 11-12: 'They had to make the first beginning in schools in Oregon City, and got up the present school law at the first session in 1849. It was drawn mostly after the Ohio law, and subsequently amended. F. C. Beatty taught the first (common) school at Oregon City in 1850.' Besides chartering the Tualatin Academy and Pacific University, a charter was granted to the Clackamas County Female Seminary, with G. Abernethy, A. L. Lovejoy, James Taylor, Hiram Clark, G. H. Atkinson, Hezekiah Johnson, and Wilson Blain as trustees.

[25] *Lane's Rept.* in *31st Cong., 2d Sess., H. Ex. Doc.*, i.

[26] One of the members tells us something about the legislators: 'I have heard some people say that the first legislature was better than any one we have had since. I think it was as good. It was composed of more substantial men than they have had in since; men who represented the people better. The second one was probably as good. The third one met in Salem. It is my impression they had deteriorated a little; but I would not like to say so, because I was in the first one. I know there were no such men in it as go to the legislature now.' *Buck's Enterprises*, MS., 11. 'The only difference among members was that each one was most partial to the state from which he had emigrated, and with the operations of which he was familiar. This difficulty proved a serious one, and retarded the progress of business throughout.' *Or. Spectator*, Oct. 18, 1849.

in office was a whig, with whose appointments they were predetermined not to be pleased. The officers elected by the legislature were: A. A. Skinner, commissioner to settle the Cayuse war debt; Bernard Genoise, territorial auditor; James Taylor, treasurer; Wm. T. Matlock, librarian; James McBride, superintendent of schools; C. M. Walker, prosecuting attorney first judicial district; David Stone, prosecuting attorney second judicial district; Wilson Blain, public printer; A. L. Lovejoy and W. W. Buck, commissioners to let the printing of the laws and journals. Other offices being still vacant, an act was passed providing for a special election to be held in each of the several counties on the third Monday in October for the election of probate judges, clerks, sheriffs, assessors, treasurers, school commissioners, and justices of the peace.

As by the territorial act the governor had no veto power, congress having reserved this right, there was nothing for him to do at Oregon City; and being accustomed of late to the stir and incident of military camps he longed for activity, and employed his time visiting the Indians on the coast, and sending couriers to the Cayuses, to endeavor to prevail upon them to give up the Waiilatpu murderers.[27] The legislative assembly having in the mean time passed a special act to enable him to bring to trial the Snoqualimichs, and Thornton's munificent offer of reward having prompted the avaricious savages to give up to Captain Hill at Steilacoom certain of their number to be dealt with according to the white man's law, Lane had the satisfaction of seeing, about the last of September, the first district court, marshal and jurymen, grand and petit, on the way to Puget Sound,[28] where the

[27] *Lane's Autobiography*, MS., 55; *31st Cong., 1st Sess., Sen. Doc. 47*, viii. pt. iii. 112.

[28] There was a good deal of feeling on the part of the Hudson's Bay Company concerning Lane's course, though according to Tolmie's account, in *Truth Teller*, the Indians were committing hostilities against them as well as

American population was still so small that travelling courts were obliged to bring their own juries.

Judge Bryant provided for the decent administration of justice by the appointment of A. A. Skinner, district attorney, for the prosecution, and David Stone for the defence. The whole company proceeded by canoes and horses to Steilacoom carrying with them their provisions and camping utensils. Several Indians had been arrested, but two only, Quallawort, brother of Patkanim, head chief of the Snoqualimichs, and Kassas, another Snoqualimich chief, were found guilty. On the day following their conviction they were hanged in the presence of the troops and many of their own and other tribes, Bryant expressing himself satisfied with the finding of the jury, and also with the opinion that the attacking party of Snoqualimichs had designed to take Fort Nisqually, in which attempt, had they succeeded, many lives would have been lost.[29] The cost of this trial was $1,899.54, besides eighty blankets, the promised reward for the arrest and delivery of the guilty parties, which amounted to $480 more. Many of the jurymen were obliged to travel two hundred miles, and the attorneys also, each of whom received two hundred and fifty dollars for his services. Notwithstanding this expensive lesson the same savages made away in some mysterious manner with one of the artillerymen from Fort Steilacoom the following winter.[30]

against the Americans. Roberts says that when Lane was returning from the Sound in June, he, Roberts, being at the Cowlitz farm, rode out to meet him, and answered his inquiries concerning the best way of preserving the peace of the country, then changing from the old regime to the new. 'I was astonished,' says Roberts, 'to hear him remark "Damn them! (the Indians) it would do my soul good to be after them." This would never have escaped the lips of Dr McLoughlin or Douglas.' *Recollections*, MS., 15. There was always this rasping of the rude outspoken western sentiment on the feelings of the studiously trained Hudson's Bay Company. But an Indian to them was a different creature from the Indian toward whom the settlers were hostile. In the one case he was a means of making wealth; in the other of destroying property and life. Could the Hudson's Bay Company have changed places with the settlers they might have changed feelings too.

[29] *Bryant's Rept. to Gov. Lane* in *31st Cong., 2d Sess., H. Ex. Doc.*, i. 166-7; *Hayes' Scraps*, 22; *Or. Spectator*, Oct. 18, 1849.

[30] *Tolmie's Puget Sound*, MS., 36.

The arrest of the Cayuse murderers could not proceed until the arrival of the mounted rifle regiment then en route, under the command of Brevet-Colonel W. W. Loring.[31] This regiment which was provided expressly for service in Oregon and to garrison posts upon the emigrant road, by authority of a congressional act passed May 19, 1846, was not raised till the spring of 1847, and was then ordered to Mexico, although the secretary of war in his instructions to the governor of Missouri, in which state the regiment was formed, had said that a part if not the whole of it would be employed in establishing posts on the route to Oregon.[32] Its numbers being greatly reduced during the Mexican campaign, it was recruited at Fort Leavenworth, and at length set out upon its march to the Columbia in the spring of 1849. On the 10th of May the regiment left Fort Leavenworth with about 600 men, thirty-one commissioned officers, several women and children, the usual train agents, guides, and teamsters, 160 wagons, 1,200 mules, 700 horses, and subsistence for the march to the Pacific.[33]

Two posts were established on the way, one at Fort

[31] The command was first given to Frémont, who resigned.

[32] See letter of W. L. Marcy, secretary of war, in *Or. Spectator*, Nov. 11, 1847.

[33] The officers were Bvt. Lieut. Col. A. Porter, Col. Benj. S. Roberts, Bvt. Major C. F. Ruff, Major George B. Crittenden, Bvt. Major J. S. Simonson, Bvt. Major S. S. Tucker, Bvt. Lieut. Col. J. B. Backenstos, Bvt. Major Kearney, Captains M. E. Van Buren, George McLane, Noah Newton, Llewellyn Jones, Bvt. Captain J. P. Hatch, R. Ajt., Bvt. Captains Thos. Claiborne Jr., Gordon Granger, James Stuart, and Thos. G. Rhett; 1st Lieuts Charles L. Denman, A. J. Lindsay, Julian May, F. S. K. Russell; 2d Lieuts D. M. Frost, R. Q. M., I. N. Palmer, J. McL. Addison, W. B. Lane, W. E. Jones, George W. Howland, C. E. Ervine; surgeons I. Moses, Charles H. Smith, and W. F. Edgar. The following were persons travelling with the regiment in various capacities: George Gibbs, deputy collector at Astoria; Alden H. Steele, who settled in Oregon City, where he practised medicine till 1863, when he became a surgeon in the army, finally settling at Olympia in 1868, where in 1878 I met him, and he furnished a brief but pithy account in manuscript of the march of the Oregon Mounted Rifle Regiment; W. Frost, Prew, Wilcox, Leach, Bishop, Kitchen, Dudley, and Raymond. Present also was J. D. Haines, a native of Xenia, Ohio, born in 1828. After a residence in Portland, and removal to Jacksonville, he was elected to the house of representatives from Jackson county in 1862, and from Baker county in 1876, and to the state senate in 1878. He married in 1871 and has several children. *Salem Statesman*, Nov. 15, 1878; *U. S. Off. Reg.*, 1849, 160, 167.

Laramie, with two companies, under Colonel Benjamin Roberts; and another at Cantonment Loring, three miles above Fort Hall,[34] on Snake River, with an equal number of men under Major Simonson, the command being transferred soon after to Colonel Porter.[35] The report made by the quartermaster is an account of discomforts from rains which lasted to the Rocky Mountains; of a great migration to the California gold mines[36] where large numbers died of cholera, which dread disease invaded the military camps also to some extent; of the almost entire worthlessness of the teamsters and men engaged at Fort Leavenworth, who had no knowledge of their duties, and were anxious only to reach California; of the loss by death and desertion of seventy of the late recruits to the regiment;[37] and of the loss of property and life in no way different from the usual experience of the annual emigrations.[38]

It was designed to meet the rifle regiment at Fort Hall, with a supply train, under Lieutenant G. W. Hawkins who was ordered to that post,[39] but Hawkins

[34] Cantonment Loring was soon abandoned, being too far from a base of supplies, and forage being scarce in the neighborhood. *Brackett's Cavalry*, 126–7; *31st Cong., 1st Sess., H. Ex. Doc. 5*, pt. i. 182, 185–6, 188.

[35] Steele says that Simonson was arrested for some dereliction of duty, and came to Vancouver in this situation; also that Major Crittenden was arrested on the way for drunkenness. *Rifle Regiment*, MS., 2.

[36] Major Cross computed the overland emigration to the Pacific coast at 35,000; 20,000 of whom travelled the route by the Platte with 50,000 cattle. *31st Cong., 2d Sess., H. Ex. Doc. 1*, 149.

[37] *Or. Spectator*, Oct. 18, 1849; *Weed's Queen Charlotte Island Exped.*, MS., 4.

[38] On reaching The Dalles, the means of transportation to Vancouver was found to be '3 Mackinaw boats, 1 yawl, 4 canoes, and 1 whale-boat.' A raft was constructed to carry 4 or 5 tons, and loaded with goods chiefly private, 8 men being placed on board to manage the craft. They attempted to run the cascades and six of them were drowned. *Or. Spectator*, Oct. 18, 1849. A part of the command with wagons, teams, and riding horses crossed the Cascade Mountains by the Mount Hood road, losing 'nearly two thirds' of the broken-down horses on the way. The loss on the journey amounted to 45 wagons, 1 ambulance, 30 horses, and 295 mules.

[39] *Applegate's Views*, MS., 49. There were fifteen freight wagons and a herd of beef cattle in the train. Gen. Joel Palmer acted as guide, the company taking the southern route. Palmer went to within a few days of Fort Hall, where another government train was encountered escorting the customs officer of California, Gen. Wilson and family, to Sacramento. The grass having been eaten along the Humboldt route by the cattle of the immigration,

missed Loring's command, he having already left Fort Hall when Hawkins arrived. As the supplies were needed by the companies at the new post they were left there, in consequence of which those destined to Oregon were in want of certain articles, and many of the men were barefoot and unable to walk, as their horses were too weak to carry them when they arrived at The Dalles.

On reaching their destination, and finding no accommodations at Fort Vancouver, the regiment was quartered in Oregon City, at a great expense, and to the disturbance of the peace and order of that moral and temperate community; the material from which companies had been recruited being below the usual standard of enlisted men.[40]

The history of the establishment of the Oregon military posts is not without interest. Under orders to take command of the Pacific division, General Persifer F. Smith left Baltimore the 24th of November, and New Orleans on the 18th of December 1848, proceeding by the isthmus of Panamá, and arriving on the 23d of February following at Monterey, where was Colonel Mason's head-quarters. Smith remained in California arranging the distribution of posts, and the affairs of the division generally.

In May Captain Rufus Ingalls, assistant quartermaster, was directed by Major H. D. Vinton, chief

Palmer was engaged to conduct this company by the new route from Pit River, opened the previous autumn by the Oregon gold-seekers. At the crossing of a stream flowing from the Sierra, one of the party named Brown shot himself through the arm by accident, and the limb was amputated by two surgeons of an emigrant company. This incident detained Palmer in the mountains several weeks at a cabin supposed to have been built by some of Lassen's party the year before. A son of Gen. Wilson and three men remained with him until the snow and ice made it dangerous getting down to the Sacramento Valley, when Brown was left with his attendants and Palmer went home to Oregon by sea. The unlucky invalid, long familiarly known as 'one-armed Brown,' has for many years resided in Oregon, and has been connected with the Indian department and other branches of the public service. *Palmer's Wagon Train*, MS., 43–8.

[40] This is what Steele says, and also that one of them who deserted, named Riley, was hanged in San Francisco. *Rifle Regiment*, MS., 7.

of the quartermaster's department of the Pacific division, to proceed to Oregon and make preparations for the establishment of posts in that territory. Taking passage on the United States transport *Anita*, Captain Ingalls arrived at Vancouver soon after Hathaway landed the artilleymen and stores at that place. The *Anita* was followed by the *Walpole* with two years' supplies; but the vessel having been chartered for Astoria only, and the stores landed at that place, a difficulty arose as to the means of removing them to Vancouver, the transfer being accomplished at great labor and expense in small river craft. When the quatermaster began to look about for material and men to construct barracks for the troops already in the territory and those expected overland in the autumn, he found himself at a loss. Mechanics and laboring men were not to be found in Oregon, and Captain Ingalls employed soldiers, paying them a dollar a day extra to prepare timber from the woods and raft lumber from the fur-company's mill to build quarters. But even with the assistance of Chief Factor Ogden in procuring for him Indian labor, and placing at his disposal horses, bateaux, and sloops, at moderate charges, he was able to make but slow progress.[41] Of the buildings occupied by the artillery two belonged to the fur company, having received alterations to adapt them to the purposes of barracks and mess-rooms, while a few small tenements also owned by the company[42] were hired for offices and for servants of the quarter-master's department.

It was undoubtedly believed at this time by both

[41] Vinton, in *31st Cong., 2d Sess., S. Doc. 1*, pt. ii. 263. Congress passed in September 1850 an act appropriating $325,854 to meet the unexpected outlay occasioned by the rise in prices of labor and army subsistence in California and Oregon, as well as extra pay demanded by military officers. See *U. S. Acts and Res.*, 1850, 122–3.

[42] In the testimony taken in the settlement of the Hudson's Bay Company's claims, page 186, *U. S. Ev., H. B. Co. Claims*, Gray deposed that the U. S. troops did not occupy the buildings of the company but remained in camp until they had erected buildings for their own use. This is a misstatement, as the reports of the quarter-masters Vinton and Ingalls show, in *31st Cong., 2d Sess., S. Doc. 1.*, pt. ii. 123, 285.

the Hudson's Bay Compay and the officers of the United States in Oregon, that the government would soon purchase the possessory right of the company, which was a reason, in addition to the eligibility of the situation, for beginning an establishment at Vancouver. This view was entertained by both Vinton[43] and Ogden. There being at that time no title to land in any part of the country except the possessory title of the fur company under the treaty of 1846, and the mission lands under the territorial act, Vancouver was in a safer condition, it might be thought, with regard to rights, than any other point; rights which Hathaway respected by leasing the company's lands for a military establishment, while the subject of purchase by the United States government was in abeyance. And Ogden, by inviting him to take possession of the lands claimed by the company, not inclosed, may have believed this the better manner of preventing the encroachments of squatters. At all events, matters proceeded amicably between Hathaway and Ogden during the residence of the former at Vancouver.

The same state of tenancy existed at Fort Steilacoom where Captain Hill established himself August 27th, on the claim of the Puget Sound Agricultural Company, at a place formerly occupied by a farmer or herdsman of the company named Heath.[44] Tolmie pointed out this location, perhaps with the same views entertained by Ogden, being more willing to deal with the officers of the government than with squatters.

On the 28th of September General Smith arrived in Oregon, accompanied by Vinton, with the purpose of examining the country with reference to the location of military posts; Theodore Talbot being ordered to examine the coast south of the Columbia, looking

[43] Vinton said in his report: 'It is peculiarly desirable that we should become owners of their property at Fort Vancouver.' *31st Cong., 2d Sess., S. Doc.* 1, pt. ii. 263.

[44] *Sylvester's Olympia*, MS., 20; *Morse's Notes on Hist. and Resources, Wash. Ter.*, MS., i. 109; *Olympia Wash. Standard*, April 11, 1868.

for harbors and suitable places for light-houses and defences.[45] The result of these examinations was the approval of the selections of Vancouver and Steilacoom. Of the "acquisition of the rights and property reserved, and guaranteed by the terms of the treaty," Smith spoke with the utmost respect for the claims of the companies, saying they were specially confirmed by the treaty, and that the public interest demanded that the government should purchase them;[46] a sentiment which the reader is aware was not in accord with the ideas of a large class in Oregon.

It had been contemplated establishing a post on the upper Willamette for the protection of companies travelling to California, but the danger that every soldier would desert, if placed directly on the road to the gold mines, caused Smith to abandon that idea. He made arrangements, instead, for Hathaway's command to remove to Astoria as early in the spring as the men could work in the forest, cutting timber for the erection of the required buildings, and for stationing the riflemen at Vancouver and The Dalles, as well as recommending the abandonment of Fort Hall, or Cantonment Loring, owing to the climate and unproductive nature of the soil, and the fact that immigrants were taking a more southerly route than formerly. Smith seemed to have the welfare of the territory at heart, and recommended to the government many things which the people desired, among others fortifications at the mouth of the Columbia, in preparation for which he marked off reservations at Cape Disappointment and Point Adams. He also suggested the survey of the Rogue, Umpqua, Alseya, Yaquina, and Siletz rivers, and Shoalwater Bay; and the erection of light-houses at Cape Disappointment, Cape Flattery, and Protection Island, representing that it was a military as well as commercial necessity,

[45] *31st Cong., 1st Sess., S. Doc. 47*, viii. 108–16; *Rep. Com. Ind. Aff., 1865*, 107–9.

[46] *31st Cong. 1st Sess., S. Doc. 47*, viii. 104.

the safety of troops and stores which must usually be transported by sea requiring these guides to navigation. He recommended the survey of a railroad to the Pacific, or at least of a wagon-road, and that it should cross the Rocky Mountains about latitude 38°, deflect to the Humboldt Valley, and follow that direction until it should send off a branch to Oregon by way of the Willamette Valley, and another by way of the Sacramento Valley to the bay of San Francisco.[47]

Before the plans of General Smith for the distribution of troops could be carried out, one hundred and twenty of the riflemen deserted in a body, with the intention of going to the mines in California. Governor Lane immediately issued a proclamation forbidding the citizens to harbor or in any way assist the runaways, which caused much uneasiness, as it was said the people along their route were placed in a serious dilemma, for if they did not sell them provisions they would be robbed, and if they did, they would be punished. The deserters, however, having organized with a full complement of officers, travelled faster than the proclamation, and conducted themselves in so discreet a manner as to escape suspicion, imposing themselves upon the farmers as a company sent out on an expedition by the government, getting beef cattle on credit, and receiving willing aid instead of having to resort to force.[48]

[47] Before leaving California Smith had ordered an exploration of the country on the southern boundary of Oregon for a practicable emigrant and military road, and also for a railroad pass about that latitude, detailing Captain W. H. Warner of the topographical engineers, with an escort of the second infantry under Lieutenant-Colonel Casey. They left Sacramento in August, and examined the country for several weeks to the east of the head-waters of the Sacramento, coming upon a pass in the Sierra Nevada with an elevation of not more than 38 feet to the mile. Warner explored the country east and north of Goose Lake, but in returning through the mountains by another route was killed by the Indians before completing his work. His name was given to a mountain range from this circumstance. Francis Bercier, the guide, and George Cave were also killed. Lieut. R. S. Williamson of the expedition made a report in favor of the Pit River route. See *31st Cong., 1st Sess., Sen. Doc. 2*, 17–22, 47.

[48] *Steele's Rifle Regiment*, MS., 7; *Brackett's U. S. Cavalry*, 127; *Or. Spectator*, May 2, 1850.

But their success, like their organization, was of brief duration. Colonel Loring and the governor went in pursuit and overtook one division in the Umpqua Valley, whence Lane returned to Oregon City about the middle of April with seventy of them in charge. Loring pursued the remainder as far as the Klamath River, where thirty-five escaped by making a canoe and crossing that stream before they were overtaken. He returned two weeks after Lane, with only seventeen of the deserters, having suffered much hardship in the pursuit. He found the fugitives in a miserable plight, the snow on the Cascade Mountains being still deep, and their supplies entirely inadequate to such an expedition, for which reason some had already started on their return. Indeed, it was rumored that several of those not accounted for had already died of starvation.[49] How many lived to reach the mines was never known.

Great discontent prevailed among all the troops, many of whom had probably enlisted with no other intention than of deserting when they reached the Pacific coast. Several civil suits were brought by them in the district court attempting to prove that they had been enlisted under false promises, which were decided against them by Judge Pratt, *vice* Bryant, who was absent from the territory when the suits came on.[50]

Later in the spring Hathaway removed his artillery company to Astoria, and went into encampment at Fort George, the place being no longer occupied by the fur company. A reserve was declared of certain lands covered by the improvements of settlers, among whom were Shively, McClure, Hensill, Ingalls, and Marlin, for which a price was agreed upon or allowed.[51]

[49] *Or. Spectator*, April 18, 1850.

[50] See case of John Curtin *vs.* James S. Hathaway, Pratt, Justice, in *Or. Spectator*, April 18, 1850.

[51] Ingalls remarked concerning this purchase: 'I do not believe that any of them had the slightest right to a foot of the soil, consequently no right to have erected improvements there.' Whether he meant to say that no one

Here the troops had a free and easy life, seeing much of the gold hunters as they went and came in the numerous vessels trading between San Francisco and the Columbia River, and much too of the most degraded population in Oregon, both Indian and white. A more ill-selected point for troops, even for artillery, could not have been hit upon, except in the event of an invasion by a foreign power, in which case they were still too far inside the capes to prevent the enemy's vessels from entering the river. They were so far from the real enemy dreaded by the people it was intended they should defend—the interior tribes of Indians—that much time and money would be required to bring them where they could be of service in case of an outbreak, and after two years the place was abandoned.

The mounted riflemen, being transferred to Vancouver, whither the citizens of the Willamette saw them depart with a deep sense of satisfaction,[52] celebrated their removal by burning their old quarters.[53] At their new station they were employed in building barracks on the ground afterward adopted as a military reservation by the government.

The first reservation declared was that of Miller Island, lying in the Columbia[54] about five miles above Vancouver. It contained about four square miles, and was used for haymaking and grazing purposes, in connection with the post at that place. This reserve was made in February 1850. No reservation was declared

had a right to build houses in Oregon except military officers, or that the ground belonged to the Hudson's Bay Company, I am unable to determine from the record. See *32d Cong., 2d Sess., H. Ex. Doc. 1*, i. pt. ii. 123.

[52] Says the *Spectator*, Nov. 1, 1849, 'the abounding drunkenness in our streets is something new under the sun,' and suggests that the officers do something to abate the evil. But the officers were seldom sober themselves, Hathaway even attempting suicide while suffering from *mania a potu*. *Id.*, April 18, 1850.

[53] *Strong's Hist. Or.*, MS., 3.

[54] Much trouble had been experienced in procuring grain for the horses of the mounted troops; only 6,000 bushels of oats being obtainable, and 100 tons of hay, owing to the neglect of farming this year. It was only by putting the soldiers to haymaking on the lowlands of the Columbia that the stock of the regiment was provided for; hence, no doubt, the reservation of Miller Island.

at Vancouver till October 31st of that year, or until it was ascertained that the government was not prepared to purchase without examining the claims of the Hudson's Bay Company. On the date mentioned Colonel Loring, in command of the department, published a notice that a military reservation had been made for the government of four miles square, "commencing where a meridian line two miles west from the flag-staff at the military post near Vancouver, O. T., strikes the north bank of the Columbia River, thence due north on said meridian four miles, thence due east four miles, thence south to the bank of the Columbia River, thence down said bank to the place of beginning."[55] The notice declared that the reserve was made subject alone to the lawful claims of the Hudson's Bay Company, as guaranteed under the treaty of 1846, but promised payments for improvements made by resident settlers within the described limits, a board of officers to appraise the property.

This large reserve was, as I have before indicated, favorable to the British company's claims, as the only American squatter on the land was Amos M. Short, the history of whose settlement at Vancouver is given in the first volume of my *History of Oregon.* Short took no notice of the declaration of reserve,[56] thinking perhaps, and with a show of justice, that in this case he was trespassed upon, inasmuch as there was plenty of land for government reservations, which did not include improvements, or deprive a citizen of his choice of a home. He remained upon the land, continuing to improve it, until in 1853 the government restricted the military reservations to one mile square, which left him outside the limits of this one.

[55] *Or. Spectator*, Oct. 31, 1850; *32d Cong., 2d Sess., H. Ex. Doc. 1*, pt. ii. 124.

[56] Short had shot and killed Dr D. Gardner, and a Hawaiian in his service, for trespass, in the spring of 1850. He was examined and acquitted, of all of which Colonel Loring must have been aware. *Or. Spectator*, April 18, 1850; *Id.*, May 2, 1850. He was himself regarded as a trespasser by the fur company. *U. S. Ev. Hudson's Bay Company Claims*, 90.

The probate court of Clarke county made an application for an injunction against Loring and Ingalls at the first term of the United States district court held at Vancouver, beginning the 29th of October 1850, to stop the further erection of buildings for military purposes on land that was claimed as the county seat. The attorney for the United States denied that the legislative assembly had the power to give lands for county seats, did the territorial act permit it, or that the land could be taken before it was surveyed; and declared that the premises were reserved by order of the war department, which none might gainsay.[57] The court sustained the opinion. At a later period a legal contest arose between the heirs of A. M. Short and the Catholic missionaries. The military reservation, however, of one mile square, remains to-day the same as in 1853.

On the 13th of May Major Tucker left Vancouver with two companies of riflemen to establish a supply post at The Dalles.[58] The officers detached for that station were Captain Claiborne, Lieutenants Lindsay, May, and Ervine, and Surgeon C. H. Smith. A reservation of ten miles square was made at this place, and the troops employed in erecting suitable store-houses and garrison accommodations to make this the head-quarters for the Indian country in the event of hostilities. Both the Protestant and Catholic missions were found to be abandoned,[59] though the claims of both were subsequently revived, which together with the claim of the county seat of Wasco county occasioned lengthy litigation. The military reservation became a fourth factor in an imbroglio out of which the Methodist missionary society, through

[57] The solicitor for the complanants in this case was W. W. Chapman; the attorney for the U. S., Amory Holbrook. The decision was rendered by Judge William Strong in favor of the defendants. *Or. Spectator*, Nov. 7, 1850.

[58] *Steel's Rifle Regiment*, MS., 5; *Cardwell's Emigrant Company*, MS., 2; *Coke's Ride*, 313; *31st Cong., 2d Sess., H. Ex. Doc. 1*, pt. ii. 123.

[59] *Deady's Hist. Or.*, MS., 6.

its agents in Oregon and in Washington, continued to extort money from the government and individuals for many years. Of The Dalles claim, as a case in chancery, I shall speak further on in my work.

As if Astoria, Vancouver, and The Dalles were not enough of Oregon's eligible town sites to condemn for military purposes, Loring declared another reservation in the spring of 1850 upon the land claims of Meek and Luelling at Milwaukie, for the site of an arsenal. This land was devoted to the raising of fruit trees, a most important industry in a new country, and one which was progressing well. The appropriation of property which the claimants felt the government was pledged to confirm to them if they desired, was an encroachment upon the rights of the founders of American Oregon which they were quick to resent, and for which the Oregon delegate in congress was instructed to find a remedy. And he did find a remedy. The complainants held that they preferred fighting their own Indian wars to submitting to military usurption, and the government might withdraw the rifle regiment at its earliest convenience. All of which was a sad ending of the long prayer for the military protection of the parent government.

And all the while the Cayuse murderers went unpunished. Lane was enough of a military man to understand the delays incident to the circumstances under which Loring found himself in a new country with undisciplined and deserting troops, but he was also possessed of the fire and energy of half a dozen regular army colonels. But before he had received any assistance in procuring the arrest of the Indians, he had unofficial information of his removal by the whig administration, which succeeded the one by which he was appointed.

This change, though eagerly seized upon by some as a means of gaining places for themselves and securing the control of public affairs, was not by any means

agreeable to the majority of the Oregon people. No sooner had the news been received than a meeting was held in Yamhill precinct for the purpose of expressing regret at the removal of General Lane from the office of governor.[60] The manner in which Lane had discharged his duties as Indian agent, as well as executive, had won for him the confidence of the people, with whom the dash, energy, and democratic frankness of his character were a power and a charm. There was nothing that was of importance to any individual of the community too insignificant for his attention; and whether the interest he exhibited was genuine, whether it was the suavity of the politician, or the irrepressible activity of a true nature, it was equally effective to make him popular with all but the conservative element to be found in any community, and which was represented principally in Oregon by the Protestant religious societies. Lane being a Catholic could not be expected to represent them.[61]

As no official notice of his removal had been received, Governor Lane proceeded actively to carry into execution his plans concerning the suppression of Indian hostilities, which were interrupted temporarily by the pursuit of the deserting riflemen. During his absence on this self-imposed duty a difficulty occurred with the Chinooks at the mouth of the Columbia, in which, in the absence of established courts in that district, the military authorities were called upon to act. It grew out of the murder of William Stevens, one of four passengers lost from the brig *Forrest* while crossing the bar of the Columbia. Three of the men were drowned. Stevens escaped alive but

[60] The principal movers in this demonstration were: Matthew P. Deady, J. McBride, A. S. Watt, J. Walling, A. J. Hembree, S. M. Gilmore, and N. M. Creighton. *Or. Spectator*, March 7, 1850.

[61] It is told to me by the person in whose interest it was done, that Lane, while governor, permitted himself to be chosen arbitrator in a land-jumping case, and rode a long distance in the rain, having to cross swollen streams on horseback, to help a woman whose husband was absent in the mines to resist the attempt of an unprincipled tenant to hold the claim of her husband. His influence was sufficient with the jury to get the obnoxious tenant removed.

exhausted to the shore, where the Chinooks murdered him. Jones, of the rifles, who was at Astoria with a small company, hearing of it wrote to the governor and his colonel, saying that if he had men enough he would take the matter in hand at once; but that the Indians were excited over the arrest of one of the murderers, and he feared to make matters worse by attempting without a sufficient force to apprehend all the guilty Indians. On receiving the information, Secretary Pritchett called for aid on Hathaway, who sent a company to Astoria to make the arrest of all persons suspected of being concerned in the murder;[62] but by this time the criminals had escaped.

Negotiations had been in progress ever since the arrival of Lane for the voluntary delivery of the guilty Cayuses by their tribe, it being shown them that the only means by which peace and friendship could ever be restored to their people, or they be permitted to occupy their lands and treat with the United States government, was the delivery of the Whitman murderers to the authorities of Oregon for trial.[63] At length word was received that the guilty members of the tribe, who were not already dead, would be surrendered at The Dalles. Lane went in person to receive them, escorted by Lieutenant Addison with a guard of ten men. Five of the murderers, Tiloukaikt, Tamahas, Klokamas, Isaiachalakis, and Kiamasumpkin, were found to be there with others of their people. They consented to go to Oregon City to be tried, offering fifty horses for their successful defence.[64]

The journey of the prisoners, who took leave of their friends with marked emotion, was not without interest to their escort, who, anxious to understand the

[62] *Or. Spectator*, March 21, and April 4, 1850.

[63] *Lane's Autobiography*, MS., 56.

[64] Blanchet asserts that the Cayuses consented only to come down and have a talk with the white authorities, and denies that they were the actual criminals, who he says were all dead, having been killed by the volunteers. *Cath. Ch. in Or.*, 180. There appears to be nothing to justify such a statement, except that the murderers submitted to receive the consolations of the church in their last moments.

motives which had actuated the Indians in surrendering themselves, plied them with questions at every opportunity. Tiloukaikt answered with a singular mingling of savage pride and Christian humility. When offered food by the guard from their own mess he regarded it with scorn. "What hearts have you," he demanded, "to offer to eat with me, whose hands are red with your brother's blood?" When asked why he gave himself up, he replied: "Did not your missionaries teach us that Christ died to save his people? So die we to save our people."

This apparent magnanimity produced a deep impression on some minds, who, not well versed in Indian or in any human character, could not divest themselves of awe in the presence of such evidences of moral greatness as these mocking answers evinced.

The facts are these: The Cayuses, weary of wandering, with the prospect before them of another war with white men, had prevailed upon those who among themselves had done most to bring so much wretchedness upon them, to risk their lives in restoring them to their former peace and prosperity. Doubtless the representations which had been made, that they would be defended by white counsel, had had its influence in inducing them to take the risk. At all events it was a case requiring a desperate remedy. They were not ignorant that between twenty and thirty thousand Americans, chiefly men, and several government expeditions had traversed the road to the Pacific the year previous; nor that their attempt to expel the few white people from the Walla Walla valley had been an ignominious failure. There was scarcely a chance that white men's laws would acquit them; but on the other hand there was the apparent certainty that unless the few gave up their lives, all must perish. Could a chief face his people whom he had ruined without an effort to save them? All that was courageous or manly in the savage breast was roused by the emergency; and who shall say that this pride, which doggedly accepted

a terrible alternative, did not make a moral hero, or present an example equivalent to the average Christian self-sacrifice?

The trial was set for the 22d of May. The prisoners in the mean time were confined on Abernethy Island, in the midst of the falls, the bridge connecting it with the mainland being guarded by Lieutenant Lane, of the rifles, who was assigned to that duty.[65] The prosecution was conducted by Amory Holbrook, district attorney, who had arrived in the territory in March previous, and the defence by Secretary Pritchett, R. B. Reynolds, of Tennessee, paymaster of the rifle regiment, and Captain Claiborne, also of the rifles, whom Judge Pratt assigned to this duty; and whether from a sense of justice, or from a desire to win the fifty horses offered, the trio made a vigorous effort to clear their clients.

The plea first set up was that the United States, at the time the massacre was committed, possessed no jurisdiction over Oregon. This was overruled by showing that an act of congress had been passed in 1844, which declared all the Indian territory west of the Mississippi subject to the laws regulating intercourse with the Indians, and that the territorial act of 1848 gave jurisdiction to the district courts to take cognizance of the crimes of which the prisoners were accused. Counsel for the defence then pleaded not guilty to three indictments for murder, brought to show the killing of Dr Whitman, Mrs Whitman, and Mr Saunders, and attempted to procure a change of venue to Clarke county, on the ground of the excited state of the public mind in Clackamas. This petition was also overruled.

On the second day a continuance of the case was asked for on an insufficient affidavit, and denied. Much difficulty was experienced in securing a jury, twenty persons being challenged. At length the trial proceeded. When the women who had witnessed the

[65] *Lane's Autobiography*, MS., 139.

butchery of their husbands, sons, fathers, and brothers were put upon the stand to identify the murderers, the feeling was intense; and was heightened by the evident sympathy for the prisoners of certain persons who had come in with the new order of things, and who thought it more shocking to convict the Indians than that they should have committed the crimes for which they were being tried. The witnesses for the defence were few. Sticcas testified to having given Whitman a warning similar to that which he gave Spalding, but which he had no time to take. Spalding told his story of the warning received by him. Dr McLoughlin was called upon to say that he had counselled Whitman to remove to the Willamette as early as 1840 or 1841; and Osborne, after having been a witness for the prosecution, was made to state that he knew Whitman to be anxious about his situation among the Cayuses. But all this did not change the nature of the crimes committed, rather confirming the theory of premeditated guilt than helping the case of the criminals.

The solemnity and quiet of religious services characterized the trial, at which between two and three hundred persons were present. At its close, when the jury had returned the verdict of guilty, there was no unseemly approval; only a long drawn sigh of relief that the dreadful business was approaching the close.

Attending this episode were the usual hypocrisies of society. It was predetermined by the people that these Indians should die. For myself I think they were guilty and ought to have died. But I would not on that account as a narrator of facts indulge in divers little fictions to make the affair more pathetic. Nor was it at all necessary for the *Spectator* to pat the judge on the back for being "so firm and fearless." There was not the slightest danger that Pratt would go against the people in this matter. But he ruled as he did, not so much from any just or noble sentiment, as, first, because there was present no inducement

to do otherwise, the fifty horses not going to the judge; and secondly, he well knew the country would be too hot to hold him should he do otherwise.

Sentence of death was passed upon each of the five prisoners, the 3d of June being appointed for their execution. Soon after their condemnation, which they received some in sullen silence, some with signs of terror, all confessed to having shared in the murders except Kiamasumpkin, who, while admitting that he was present at the massacre, persistently declared that his hands were not imbued in the white man's blood.[66]

When Lane had signed the death warrants, he prepared his resignation, to take effect the 18th of June; and leaving Pritchett acting governor, for the clerical duties of which office Lane had little liking, he set out on an expedition to southern Oregon, where he thought he might do something to pacify the Rogue River Indians, now as formerly committing depredations upon travellers.[67] His personal affairs were left in charge of his son.[68]

No sooner was he well away than Pritchett began to talk of a reprieve, and even of liberating the Cayuses, but the marshal was incorruptible.[69] It was

[66] Blanchet's attempts to excuse his neophytes are open to reproach. Notwithstanding that three men were assigned to their defence, and that the trial was regular and even solemn in its proceedings, and the evidence clear, he calls it 'a sham trial which deceived no one.' He relates, with a simplicity that would be affecting if it were not absurd after the proofs, that Tiloukaikt and the four others on the eve of their death made a declaration in duplicate before two witnesses, a sergeant and a corporal of the R. M. R., that each of the five was innocent. *Cath. Ch. in Or.*, 181.

[67] *Or. Spectator*, May 30, 1850; *Lane's Autobiography*, MS., 58; *Steele*, in *Or. Council Jour.*, *1857–8*, app., 42–3.

[68] Nathaniel Lane, who accompanied his father to Oregon, resided permanently in the country to the date of his death, the 22d of July 1878, at the age of 54 years. His home was in East Portland. His character was that of an honest and honorable citizen and kind neighbor. *Portland Oregonian*, July 23, 1878. He was twice married. His children by the first marriage were Joe and Ben. Lane, and Carrie, wife of George Haynes. His other children were Nat. and Harry Lane, and Jane, wife of Stephen Bailey. *Roseburg Plaindealer*, July 24, 1878.

[69] Meek, on being approached upon this subject, at first talked in an obliging tone, and expressed his willingness to do any favor for the secretary, who was about to write a reprieve at once. 'But, Pritchett,' said Meek, seeing the effect of his professions of friendship, 'let us now talk like men. I have in

even feared that a rescue might be attempted by the Indians on the day of execution, and men coming in from the country round brought their rifles, hiding them in the outskirts of the town, not to create alarm.[70] Nothing occurred, however, to cause excitement. The Catholic priests took charge of the spiritual affairs of the condemned savages, administering the sacraments of baptism and confirmation, Father Veyret attending them to the scaffold, where prayers for the dying were offered. "Touching words of encouragement," says Blanchet, "were addressed to them on the moment of being swung into the air: 'Onward, onward to heaven, children; into thy hands, O Lord Jesus, I commend my spirit.'"[71] Oh loving and consistent Christians! While the world of Protestantism regarded the victims slain at Waiilatpu as martyrs, the priests of Catholicism made martyrs of the murderers, and wafted their spirits straight to heaven. So far as the sectarian quarrel is concerned it matters nothing, in my opinion, and I care not whose converts these heathen may have been, if of either; but sure I am that these Cayuses were martyrs to a destiny too strong for them, to the Juggernaut of an incompressible civilization, before whose wheels they were compelled to prostrate themselves, to that relentless law, the survival of the fittest, before which, in spite of religion or science, we all in turn go down.

With the consummation of the last act of the Cayuse tragedy Lane's administration may be said to have closed, though he was for several weeks occupied with his duties as Indian agent in the south, a full account of which I shall give later. Having made a

my pocket the death-warrant of them Indians, signed by Governor Lane. The marshal will execute them men as certain as the day arrives.' Pritchett looked surprised and remarked: 'That is not what you just said, that you would do anything for me.' 'You were talking then to Meek,' Joe returned, 'not to the marshal, who always does his duty.' *Victor's River of the West*, 496. The marshal's honor was less corrupt than his grammar.

[70] *Bacon's Merc. Life Or.*, MS., 25.

[71] *Cath. Ch. in Or.*, 182.

treaty with the Rogue River people, he went to California and busied himself with gold mining until the spring of 1851, when his friends and admirers recalled him to Oregon to run for delegate to congress. About the time of his return the rifle regiment departed to return by sea to Jefferson barracks, near St Louis, having been reduced to a mere remnant by desertions,[72] and never having rendered any service of importance to the territory.

[72] *Brackett's U. S. Cavalry*, 129-30. It was recruited afterward and sent to Texas under its colonel, Brevet General P. F. Smith.

CHAPTER IV.

A DELEGATE TO CONGRESS.

1849-1850.

THE EARLY JUDICIARY—ISLAND MILLS—ARRIVAL OF WILLIAM STRONG—OPPOSITION TO THE HUDSON'S BAY COMPANY—ARREST OF BRITISH SHIP CAPTAINS—GEORGE GIBBS—THE 'ALBION' AFFAIR—SAMUEL R. THURSTON CHOSEN DELEGATE TO CONGRESS—HIS LIFE AND CHARACTER—PROCEEDS TO WASHINGTON—MISREPRESENTATIONS AND UNPRINCIPLED MEASURES—RANK INJUSTICE TOWARD MCLOUGHLIN—EFFICIENT WORK FOR OREGON—THE DONATION LAND BILL—THE CAYUSE WAR CLAIM AND OTHER APPROPRIATIONS SECURED—THE PEOPLE LOSE CONFIDENCE IN THEIR DELEGATE—DEATH OF THURSTON.

DURING the transition period through which the territory was passing, complaint was made that the judges devoted time to personal enterprises which was demanded for the public service. I am disposed to think that those who criticised the judges of the United States courts caviled because they overlooked the conditions then existing.

The members of the territorial supreme court were Chief Justice Bryant and Associate Justice Pratt.[1] Within a few months, the chief justice's health

[1] O. C. Pratt was born April 24, 1819, in Ontario County, New York. He entered West Point, in the class of 1837, and took two years of the course. His stand during this time was good, but he did not find technical military training congenial to his tastes, excepting the higher mathematics, and he obtained the consent of his parents to resign his cadetship, in order to complete his study of law, to which he had devoted two years previous to entering the Military Academy. He passed his examination before the supreme court of New York in 1840, and was admitted to the bar. During this year he took an active part in the presidential campaign as an advocate of the election of Martin Van Buren. In 1843 he moved to Galena, Illinois, and established himself as an attorney at law. In 1844 he entered heartily into politics, as a friend of Polk, and attracted attention by his cogent discussion of the issues then uppermost, the annexation of Texas, and the Oregon question. In 1847 he was a member of the convention to make the first revision

having become impaired, he left Oregon, returned to Indiana, resigned, and soon after died. Associate Justice Burnett, being in California, and very lucratively employed at the time that he learned of his appointment, declined it; and as their successors, Thomas Nelson and William Strong,[2] were not soon appointed, and came ultimately to their field of duty around Cape Horn, Judge Pratt was left unaided nearly two years in the judicial labors of the territory.

By act of congress, March 3, 1859, it was provided, in the absence of United States courts in California, violations of the revenue laws might be prosecuted before the judges of the supreme court of Oregon. Under this statute, Judge Pratt went to San Francisco, by request of the secretary of the treasury, in 1849, and assisted in the adjustment of several important admiralty cases. Also, about the same time, in his own district, at Portland, Oregon, as district judge of the United States for the territory of Oregon, he held the first court of admiralty jurisdiction within the limits of the region now covered by the states of Oregon and California.

Another evil to the peace and quiet of the community, and to the security of property, arose soon after the advent of the new justices—Strong,[3] in August

of the constitution of Illinois. In the service of the government he crossed the plains to Santa Fé; thence to California. In 1848 he became a member of the supreme court of Oregon, as noted. He was a man of striking and distinguished *personnel*, fine sensibilities, analytic intelligence, eloquent, learned in the law, and honorable.

[2] William Strong was born in St Albans, Vermont, in 1817, where he resided in early childhood, afterward removing to Connecticut and New York. He was educated at Yale college, began life as principal of an academy at Ithaca, New York, and followed this occupation while studying law, removing to Cleveland, Ohio, in the mean time. On being appointed to Oregon he took passage with his wife on the United States store-ship *Supply* in November 1849 for San Francisco, and thence proceeded to the Columbia by the sloop of war *Falmouth*. Judge Strong resided for a few years on the north side of the Columbia, but finally made Portland his home, where he has long practised law in company with his sons. During my visit to Oregon in 1878 Judge Strong, among others, dictated to my stenographer his varied experiences, and important facts concerning the history of Oregon. The manuscript thus made I entitled *Strong's History of Oregon*. It contains a long series of events, beginning August 1850, and running down to the time when it was given, and is enlivened by many anecdotes, amusing and curious, of early times, Indian characteristics, political affairs, and court notes.

[3] Strong, who seems to have had an eye to speculation as well as other offi-

1850, and Nelson, in April 1, 1851—from the interference of one district court with the processes of another. Thus it was impossible, for a time, to maintain order in Judge Pratt's district (the second) in two instances, sentences for contempt passed by him being practically nullified by the interference of the judge of the first district.

Among the changes occurring at this time none were more perceptible than the diminishing importance of the Hudson's Bay Company's business in Oregon. Not only the gold mania carried off their servants, but the naturalization act did likewise, and also the prospect of a title to six hundred and forty acres of land. And not only did their servants desert them, but the United States revenue officers and Indian agents pursued them at every turn.[4] When Thornton was at Puget Sound in 1849 he caused the arrest of Captain Morris, of the *Harpooner*, an English vessel which had transported Hill's artillery company to Nisqually, for giving the customary grog to the Indians and half-breeds hired to discharge the vessel in the absence of white labor. Captain Morris was held to bail in five hundred dollars by Judge Bryant, to appear before him at the next term of court. What the decision would have been can only be conjectured, as in the absence of the judges the case never came to trial. Morris was released on a promise never to return to those waters.[5]

But these annoyances were light compared to those which arose out of the establishment of a port of

cials, had purchased a lot of side-saddles before leaving New York, and other goods at auction, for sale in Oregon. His saddles cost him $7.50 and $13, and he sold them to women whose husbands had been to the gold mines for $50, $60, and $75. A gross of playing cards, purchased for a cent a pack at auction, sold to the soldiers for $1.50 a pack. Brown sugar purchased for 5c. a pound by the barrel brought ten times that amount; and so on, the goods being sold for him at the fur company's store. *Strong's Hist. Or.*, MS, 27–30.

[4] Roberts says, in his *Recollections*, MS., that Douglas left Vancouver just in time to save his peace of mind; and it was perhaps partly with that object, for he was a strict disciplinarian, and could never have bent to the new order of things.

[5] *Roberts' Recollections*, MS., 16.

entry, and the extension of the revenue laws of the United States over the country. In the spring of 1849 arrived Oregon's first United States revenue officer, John Adair, of Kentucky; and in the autumn George Gibbs, deputy-collector.[6] No trouble seems to have arisen for the first few months, though the company was subjected to much inconvenience by having to go from Fort Victoria to Astoria, a distance of over two hundred miles, to enter the goods designed for the American side of the strait, or for Fort Nisqually to which they must travel back three hundred miles.

About the last of December 1849 the British ship *Albion*, Captain Richard O. Hinderwell, William Brotchie, supercargo, entered the strait of Fuca without being aware of the United States revenue laws on that part of the coast, and proceeded to cut a cargo of spars at New Dungeness, at the same time trading with the natives, for which they were prepared, by permission of the Hudson's Bay Company in London, with certain Indian goods, though not allowed to buy furs. The owners of the *Albion*, who had a government contract, had instructed the captain and supercargo to take the spars wherever they found the best timber, but if upon the American side of the strait, to pay for them if they could be bought cheap. But during a stay of about four months at Dungeness, as

[6] Gibbs, who came with the rifle regiment, was employed in various positions on the Pacific coast for several years. He became interested in philology and published a *Dictionary of the Chinook Jargon*, and other matter concerning the native races, as well as the geography and geology of the west coast. In *Suckley and Cooper's Natural History* it is said that he spent two years in southern Oregon, near the Klamath; that in 1853 he joined McClellan's surveying party, and afterward made explorations with I. I. Stevens in Washington. In 1859 he was still employed as geologist of the north-west boundary survey with Kennerly. He was for a short time collector of customs at Astoria. He went from there to Puget Sound, where he applied himself to the study of the habits, languages, and traditions of the natives, which study enabled him to make some valuable contributions to the Smithsonian Institution. Mr Gibbs died at New Haven, Conn., May 11, 1873. 'He was a man of fine scholarly attainments,' says the *Olympia Pacific Tribune*, May 17, 1873, 'and ardently devoted to science and polite literature. He was something of a wag withal, and on several occasions, in conjunction with the late Lieut. Derby (John Phœnix) and others, perpetrated "sells" that obtained a world wide publicity. His friends were many, warm, and earnest.'

no one had appeared of whom the timber could be purchased, the wood-cutters continued their work uninterruptedly. In the mean time the United States surveying schooner *Ewing* being in the sound, Lieutenant McArthur informed the officers of the *Albion* that they had no right to cut timber on American soil. When this came to the ears of deputy-collector Gibbs, Adair being absent in California, he appointed Eben May Dorr a special inspector of customs, with authority to seize the *Albion* for violation of the revenue laws. United States district attorney Holbrook, and United States marshal Meek, were duly informed.

The marshal, with Inspector Dorr, repaired to Steilacoom, where a requisition was made on Captain Hill for a detachment of men, and Lieutenant Gibson, five soldiers, and several citizens proceeded down the sound to Dungeness, and made a formal seizure of the ship and stores on the 22d of April. The vessel was placed in charge of Charles Kinney, the English sailors willingly obeying him, and navigating the ship to Steilacoom. Arrived here every man, even to the cook, deserted, and the captain and supercargo were ordered ashore where they found succor at the hospitable hands of Tolmie, at Fort Nisqually.

It was not a very magnanimous proceeding on the part of officers of the great American republic, but was about what might have been expected from Indian fighters like Joe Meek raised to new dignities.[7] We smile at the simple savage demanding pay from navigators for wood and water; but here were officers of the United States government seizing and confiscating a British vessel for cutting a few small trees from

[7] See *31st Cong., 2d Sess., S. Doc., 30*, 15–16. 'We have met before,' said Brotchie to Meek as the latter presented himself. 'You did meet me at Vancouver several years ago, but I was then nothing but Joe Meek, and you ordered me ashore. Circumstances are changed since then. I am Colonel Joseph L. Meek, United States marshal for Oregon Territory, and you, sir, are only a damned smuggler! Go ashore, sir!' *Victor's River of the West*, 505.

land lately stolen from the Indians, relinquished by Great Britain as much through a desire for peace as from any other cause, and which the United States government afterward sold for a dollar and a quarter an acre, at which rate the present damage could not possibly have reached the sum of three cents!

Kinney proved a thief, and not only stole the goods intrusted to his care, but allowed others to do so,[8] and was finally placed under bonds for his appearance to answer the charge of embezzlement. The ship and spars were condemned and sold at Steilacoom November 23d, bringing about forty thousand dollars, which was considerably less than she was worth; the money, according to common report, never reaching the treasury.[9] A formal protest was entered by the captain and supercargo immediately on the seizure of the *Albion*, and the whole correspondence finally came before congress on the matter being brought to the attention of the secretary of state by the British minister at Washington.

In the mean time congress had passed an act September 28, 1850, relating to collection matters on the Pacific coast, and containing a proviso intended to meet such cases as this of the *Albion*,[10] and by virtue of which the owners and officers of the vessel were indemnified for their losses.

This high-handed proceeding against the *Albion*, as we may well imagine, produced much bitterness of feeling on the part of the British residents north of the Columbia,[11] and the more so that the vessels

[8] *Or. Spectator*, Dec. 19, 1850.

[9] This money fell into bad hands and was not accounted for. According to Meek 'the officers of the court' found a private use for it. *Victor's River of the West*, 506.

[10] That where any ship or goods may have been subjected to seizure by any officer of the customs in the collection district of Upper California or the district of Oregon prior to the passage of this act, and it shall be made to appear to the satisfaction of the secretary of the treasury that the owner sustained loss by reason of any improper seizure, the said secretary is authorized to extend such relief as he may deem just and proper. *31st Cong., 1st Sess., United States Acts and Res.*, 128–9.

[11] 'I fancy I am pretty cool about it now,' says Roberts, 'but then it did rather damp my democracy.' *Recollections*, MS., 17.

of the Hudson's Bay Company were not exempt from these exactions. When the troops were to be removed from Nisqually to Steilacoom on the establishment of that post, Captain Hill employed the *Forager*, one of the company's vessels, to transport the men and stores, and the settlers also having some shingles and other insignificant freight, which they wished carried down the sound, it was put on board the *Forager*. For this violation of the United States revenue laws the vessel was seized. But the secretary of the treasury decided that Hill and the artillerymen were not goods in the meaning of the statute, and that therefore the laws had not been violated.[12]

Soon after the seizure of the *Albion*, the company's schooner *Cadboro* was seized for carrying goods direct from Victoria to Nisqually, and that notwithstanding the duties were paid, though under protest. The *Cadboro* was released on Ogden reminding the collector that he had given notice of the desire of the company to continue the importation of goods direct from Victoria, their readiness to pay duties, and also that their business would be broken up at Nisqually and other posts in Oregon if they were compelled to import by the way of the Columbia River.[13]

In January 1850 President Taylor declared Portland and Nisqually ports of delivery; but subsequently the office was removed at the instance of the Oregon delegate from Nisqually to Olympia, when there followed other seizures, namely, of the *Mary Dare*, and the *Beaver*, the latter for landing Miss Rose Birnie, sister of James Birnie formerly of Fort George, at Fort Nisqually, without first having landed her at Olympia.[14] The cases were tried before Judge Strong, who very justly released the vessels. Strong was accused of bribery by the collector; but the friends of the judge held a public meeting at Olympia sus-

[12] *Letter of N. M. Merideth to S. R. Thurston*, in *Or. Spectator*, May 2, 1850.
[13] *31th Cong., 2d Sess., Sen. Doc. 30*, 7.
[14] *Roberts' Recollections*, MS., 16.

taining him. The seizure cost the government twenty thousand dollars, and caused much ill-feeling. This was after the appointment of a collector for Puget Sound in 1851, whose construction of the revenue laws was even more strict than that of other Oregon officials.[15]

Thus we see that the position of the Hudson's Bay Company in Oregon after the passage of the act establishing the territory was ever increasingly precarious and disagreeable. The treaty of 1846 had proven altogether insufficient to protect the assumed rights of the company, and was liable to different interpretations even by the ablest jurists. The company claimed their lands in the nature of a grant, and as actually alienated to the British government. Before the passage of the territorial act, they had taken warning by the well known temper of the American occupants of Oregon toward them, and had offered their rights for sale to the government at one million of dollars; using, as I have previously intimated, the well known democratic editor and politician, George N. Sanders, as their agent in Washington.

As early as January 1848 Sir George Simpson addressed a confidential letter to Sanders, whom he had previously met in Montreal, in which he defined his view of the rights confirmed by the treaty, as the right to "cultivate the soil, to cut down and export the timber, to carry on the fisheries, to trade for furs with the natives, and all other rights we enjoyed at the time of framing the treaty." As to the free navigation of the Columbia, he held that this right like the others was salable and transferable. "Our possessions," he said, "embrace the very best situations in the whole country for offensive and defensive operations, towns and villages." These were all in-

[15] S. P. Moses was the first collector on Puget Sound. Roberts says concerning him that he 'took almost every British ship that came. His conduct was beneath the government, and probably was from beneath, also.' *Recollections*, MS., 16.

cluded in the offer of sale, as well as the lands of the Puget Sound Agricultural Company, together with their flocks and herds; the reason urged for making the offer being that the company in England were apprehensive that their possession of the country might lead to "endless disputes, which might be productive of difficulties between the two nations," to avoid which they were willing to make a sacrifice, and to withdraw within the territory north of 49.°[16]

Sanders laid this proposition before Secretary Buchanan in July, and a correspondence ensued between the officers and agents of the Hudson's Bay Company and the ministers of both governments, in the course of which it transpired that the United States government on learning the construction put upon the company's right to transfer the navigation of the Columbia, was dissatisfied with the terms of the treaty and wished to make a new one in which this right was surrendered, but that Great Britain declined to relinquish the right without a consideration. "Her Majesty's government," said Addington, "have no proposal to make, they being quite content to leave things as they are."

The operation of the revenue laws, however, which had not been anticipated by the British companies or government, considerably modified their tone as to the importance of their right of navigation on the Columbia, and their privileges generally. Instead of being in a position to dictate terms, they were at the mercy of the United States, which could well afford to allow them to navigate Oregon waters so long as they paid duties. Under this pressure, in the spring of 1849, a contract was drawn up conveying the rights of the company under their charter and the treaty, and appertaining to forts Disappointment, George, Vancouver, Umpqua, Walla Walla, Boisé, Okanagan, Colville, Kootenai, Flat Head, Nisqually, Cowlitz, and all other posts belonging to said com-

[16] *31st Cong., 2d Sess., Sen. Doc. 20, 4-5.*

panies, together with their wild lands, reserving only their shipping, merchandise, provisions, and stores of every description, and their enclosed lands, except such portions of them as the United States government might wish to appropriate for military reserves, which were included in the schedule offered, for the sum of seven hundred thousand dollars. The agreement further offered all their farms and real property not before conveyed, for one hundred and fifty thousand dollars, if purchased within one year by the government; or if the government should not elect to purchase, the companies bound themselves to sell all their farming lands to private citizens of the United States within two years, so that at the end of that time they would have no property rights whatever in the territories of the United States.

Surely it could not be said that the British companies were not as anxious to get out of Oregon as the Americans were to have them. It is more than likely, also, that had it not been for the persistent animosity of certain persons influencing the heads of the government and senators, some arrangement might have been effected; the reason given for rejecting the offer, however, was that no purchase could be made until the exact limits of the company's possessions could be determined. In October 1850, Sir John Henry Pelly addressed a letter to Webster, then secretary of state, on the subject, in which he referred to the seizure of the *Albion*, and in which he said that the price in the disposal of their property was but a secondary consideration, that they were more concerned to avoid the repetition of occurrences which might endanger the peace of the two governments, and proposed to leave the matter of valuation to be decided by two commissioners, one from each government, who should be at liberty to call an umpire. But at this time the same objections existed in the indefinite limits of the territory claimed which would require to be settled before commissioners

could be prepared to decide, and nothing was done then, nor for twenty years afterward,[17] toward the purchase of Hudson's Bay Company claims, during which time their forts, never of much value except for the purposes of the company, went to decay, and the lands of the Puget Sound Company were covered with American squatters, who, holding that the rights of the company under the treaty of 1846 were not in the nature of an actual grant, but merely possessory so far as the company required the land for use until their charter expired, looked upon their pretensions as unfounded, and treated them as trespassers,[18] at the same time that they were compelled to pay taxes as proprietors.[19]

Gradually the different posts were abandoned. The land at Fort Umpqua was let in 1853 to W. W. Chapman, who purchased the cattle belonging to it,[20] which travellers were in the habit of shooting as

[17] *32d Cong., 1st Sess., H. Ex. Doc. 2*, pt. iii. 473–4.

[18] Roberts, who was a stockholder in the Puget Sound Company, took charge of the Cowlitz farm in 1846. Matters went on very well for two years. Then came the gold excitement and demoralization of the company's servants consequent upon it, and the expectation of a donation land law. He left the farm which he found it impossible to carry on, and took up a land claim as a settler outside its limits, becoming a naturalized citizen of the United States. But pioneer farming was not either agreeable or profitable to him, and was besides interrupted by an Indian war, when he became clerk to the quartermaster general. When the Frazer River mining excitement came on he thought he might possibly make something at the Cowlitz by raising provisions. But when his hay was cut and put up in cocks it was taken away by armed men who had squatted on the land; and when the case came into court the jury decided that they knew nothing about treaties, but did understand the rights of American citizens under the land law. Then followed arson and other troubles with the squatters, who took away his crops year after year. The lawyers to whom he appealed could do nothing for him, and it was only by the interference of other people who became ashamed of seeing a good man persecuted in this manner, that the squatters on the Cowlitz farm were finally compelled to desist from these acts, and Roberts was left in peace until the Washington delegate, Garfield, secured patents for his clients the squatters, and Roberts was evicted. There certainly should have been some way of preventing outrages of this kind, and the government should have seen to it that its treaties were respected by the people. But the people's representatives, to win favor with their constituents, persistently helped to instigate a feeling of opposition to the claims of the British companies, or to create a doubt of their validity. See *Roberts' Recollections*, MS., 75.

[19] The Puget Sound Company paid in one year $7,000 in taxes. They were astute enough, says Roberts, not to refuse, as the records could be used to show the value of their property. *Recollections*, MS., 91.

[20] *A. C. Gibbs*, in *U. S. Ev. H. B. C. Claims*, 29; *W. T. Tolmie, Id.*, 104; *W. W. Chapman, Id.*, 11.

game while they belonged to the company. The stockade and buildings were burned in 1851. The land was finally taken as a donation claim. Walla Walla was abandoned in 1855–6, during the Indian war, in obedience to an order from Indian Agent Olney, and was afterward claimed by an American for a town site. Fort Boisé was abandoned in 1856 on account of Indian hostilities, and Fort Hall about the same time on account of the statute against selling ammunition to Indians, without which the Indian trade was worthless. Okanagan was kept up until 1861 or 1862, when it was left in charge of an Indian chief. Vancouver was abandoned about 1860, the land about it being covered with squatters, English and American.[21] Fort George went out of use before any of the others, Colville holding out longest. At length in 1871, after a tedious and expensive examination of the claims of the Hudson's Bay and Puget Sound companies by a commission appointed for the purpose, an award of seven hundred and fifty thousand dollars was made and accepted, there being nothing left which the United States could confirm to any one except a dozen dilapidated forts. The United States gained nothing by the purchase, unless it were the military reserves at Vancouver, Steilacoom, and Cape Disappointment; for the broad acres of the companies had been donated to squatters who applied for them as United States land. As to the justice of the cause of the American people against the companies, or the companies against the United States, there will be always two opinions, as there have always been two opinions concerning the Oregon boundary question. Sentiment on the American side as enunciated by the Oregon pioneers was as follows: They held that Great Britain had no rights on the west shore of the American continent; in which opinion, if they would include the United States in the same category, I would concur. As I think I

[21] *J. L. Meek*, in *U. S. Ev. H. B. C. Claims*, 90.

have clearly shown in the *History of the Northwest Coast*, whether on the ground of inherent rights, or rights of discovery or occupation, there was little to choose between the two nations. The people of Oregon further held that the convention of 1818 conferred no title, in which they were correct. They held that the Hudson's Bay Company, under its charter, could acquire no title to land—only to the occupancy of it for a limited time; in which position they were undoubtedly right. They denied that the Puget Sound Company, which derived its existence from the Hudson's Bay Company, could have any title to land, which was evident. They were quick to perceive the intentions of the parent company in laying claim to large bodies of land on the north side of the Columbia, and covering them with settlers and herds. They had no thought that when the boundary was settled these claims would be respected, and felt that not only they but the government had been cheated—the latter through its ignorance of the actual facts in the case. So far I cannot fail to sympathize with their sound sense and patriotism.

But I find also that they forgot to be just, and to realize that British subjects on the north side of the Columbia were disappointed at the settlement of the boundary on the 49th parallel; that they naturally sought indemnity for the distraction it would be to their business to move their property out of the territory, the cost of building new forts, opening new farms, and laying out new roads. But above all they forgot that as good citizens they were bound to respect the engagements entered into by the government whether or not they approved them; and while they were using doubtful means to force the British companies out of Oregon, were guilty of ingratitude both to the corporation and individuals.

The issue on which the first delegate to congress elected in Oregon, Samuel R. Thurston, received his

majority, was that of the anti-Hudson's Bay Company sentiment, which was industriously worked up by the missionary element, in the absence of a large number of the voters of the territory, notably of the Canadians, and the young and independent western men.[22] Thurston was besides a democrat, to which party the greater part of the population belonged; but it is the testimony of those who knew best that it was not as a democrat that he was elected.[23] As a member of the legislature at its last session under the provisional government, he displayed some of those traits which made him a powerful and useful champion, or a dreaded and hated foe.

Much has been said about the rude and violent manners of western men in pursuit of an object, but Thurston was not a western man; he was supposed to be something more elevated and refined, more cool and logical, more moral and Christian than the people beyond the Alleghanies; he was born and bred an eastern man, educated at an eastern college, was a good Methodist, and yet in the canvass of

[22] Thurston received 470 votes; C. Lancaster, 321; Meek and Griffin, 46; J. W. Nesmith, 106. Thurston was a democrat and Nesmith a whig. *Tribune Almanac, 1850*, 51.

[23] Mrs E. F. Odell, *née* McClench, who came to Oregon as Thurston's wife, and who cherishes a high regard for his talents and memory, has furnished to my library a biographical sketch of her first husband. Though strongly tinctured by personal and partisan feeling, it is valuable as a view from her standpoint of the character and services of the ambitious young man who first represented Oregon in congress—how worthily, the record will determine. Mr Thurston was born in Monmouth, Maine, in 1816, and reared in the little town of Peru, subject to many toils and privations common to the Yankee youth of that day. He possessed a thirst for knowledge also common in New England, and became a hard student at the Wesleyan seminary at Readfield, from which he entered Bowdoin college, graduating in the class of 1843. He then entered on the study of law in Brunswick, where he was soon admitted to practice. A natural partisan, he became an ardent democrat, and was not only fearless but aggressive in his leadership of the politicians of the school. Having married Miss Elizabeth F. McClench, of Fayette, he removed with her to Burlington, Iowa, in 1845, where he edited the *Burlington Gazette* till 1847, when he emigrated to Oregon. From his education as a Methodist, his talents, and readiness to become a partisan, he naturally affiliated with the Mission party. Mrs Odell remarks in her *Biography of Thurston*, MS., 4, that he was 'not elected as a partisan, though his political views were well understood;' but L. F. Grover, who knew him well in college days and afterward, says that 'he ran on the issue of the missionary settlers against the Hudson's Bay Company.' *Public Life in Or.*, MS., 95.

1849 he introduced into Oregon the vituperative and invective style of debate, and mingled with it a species of coarse blackguardism such as no Kentucky ox-driver or Missouri flat-boatman might hope to excel.[24] Were it more effective, he could be simply eloquent and impressive; where the fire-eating style seemed likely to win, he could hurl epithets and denunciations until his adversaries withered before them.[25]

And where so pregnant a theme on which to rouse the feelings of a people unduly jealous, as that of the aggressiveness of a foreign monoply? And what easier than to make promises of accomplishing great things for Oregon? And yet I am bound to say that what this scurrilous and unprincipled demagogue promised, as a rule he performed. He believed that to be the best course, and he was strong enough to pursue it. Had he never done more than he engaged to do, or had he not privately engaged to carry out a scheme of the Methodist missionaries, whose sentiments he mistook for those of the majority, being himself a Methodist, and having been but eighteen months in Oregon when he left it for Washington, his success as a politician would have been assured.

Barnes, in his manuscript entitled *Oregon and California*, relates that Thurston was prepared to go to California with him when Lane issued his proclamation to elect a delegate to congress. He immediately

[24] 'I have heard an old settler give an account of a discussion in Polk county between Nesmith and Thurston during the canvass for the election of delegate to congress. He said Nesmith had been accustomed to brow-beat every man that came about him, and drive him off either by ridicule or fear. In both these capacities Nesmith was a strong man, and they all thought Nesmith had the field. But when Thurston got up they were astonished at his eloquence, and particularly at his bold manner. My informant says that at one stage Nesmith jumped up and began to move toward Thurston; and Thurston pointed his finger straight at him, after putting it on his side, and said: "Don't you take another step, or a button-hole will be seen through you," and Nesmith stopped. But the discussion proved that Thurston was a full match for any man in the practices in which his antagonist was distinguished, and the result was that Thurston carried the election by a large majority.' *Grover's Pub. Life*, MS., 96–7.

[25] 'He was a man of such impulsive, harsh traits, that he would often carry college feuds to extremities. I have known him to get so excited in recounting some of his struggles, that he would take a chair and smash it all to pieces over the table, evidently to exhaust the extra amount of vitality.' *Id.*, 94.

decided to take his chance among the candidates, with what result we know.[26]

The first we hear of Thurston in his character of delegate is on the 24th of January 1850, when he rose in the house and insisted upon being allowed to make an explanation of his position. When he left Oregon, he said, he bore a memorial from the legislative assembly to congress which he could not produce on account of the loss of his baggage on the Isthmus. But since he had not the memorial, he had drawn up a set of resolutions upon the subjects embraced in the memorial, which he wished to offer and have referred to their appropriate committees, in order that while the house might be engaged in other matters he might attend to his before the committees. He had waited, he said, nearly two months for an opportunity to present his resolutions, and his territory had not yet been reached in the call for resolutions. He would detain the house but a few minutes, if he might be allowed to read what he had drawn up. On leave being granted, he proceeded to present, not an abstract of the memorial, which has been given elsewhere, but a series of questions for the judiciary committee to answer, in reference to the rights of the Hudson's Bay Company, and Puget Sound Agricultural Association.[27] This first utterance of the Oregon delegate, when time was so precious and so short in which to labor for the accomplishment of high designs, gives us the key to his plan, which was first to raise the question of any rights of British subjects to Oregon lands in fee simple under the treaty, and then to exclude them if possible from the privileges of the donation law when it should be framed.[28]

[26] Thurston was in ill-health when he left Oregon. He travelled in a small boat to Astoria, taking six days for the trip; by sailing vessel to San Francisco, and to Panamá by the steamer *Carolina*, being ill at the last place, yet having to ride across the Isthmus, losing his baggage because he was not able to look after the thieving carriers. His determination and ambition were remarkable. *Odell's Biography of Thurston*, MS., 56.

[27] For the resolutions complete, see *Cong. Globe, 1849–50*, 21, pt. i. 220.

[28] That Thurston exceeded the instructions of the legislative assembly there is no question. See *Or. Archives*, MS., 185–6.

The two months which intervened between Thurston's arrival in Washington and the day when he introduced his resolutions had not been lost. He had studied congressional methods and proved himself an apt scholar. He attempted nothing without first having tried his ground with the committees, and prepared the way, often with great labor, to final success. On the 6th of February, further resolutions were introduced inquiring into the rights of the Hudson's Bay Company to cut and manufacture timber growing on the public lands of Oregon, and particuarly on lands not inclosed or cultivated by them at the time of the ratification of the Oregon treaty; into the right of the Puget Sound Agricultural Company to any more land than they had under inclosure, or in a state of actual cultivation at that time; and into the right of the Hudson's Bay Company, under the second article of the treaty, or of British subjects trading with the company, to introduce through the port of Astoria foreign goods for consumption in the territory free of duty,[29] which resolutions were referred to the judiciary committee. On the same day he introduced a resolution that the committee on public lands should be instructed to inquire into the expediency of reporting a bill for the establishment of a land office in Oregon, and to provide for the survey of a portion of the public lands in that territory, containing such other provisions and restrictions as the committee might deem necessary for the proper management and protection of the public lands.[30]

In the mean time a bill was before the senate for the extinguishment of the Indian title to land west of the Cascade Mountains. This was an important preliminary step to the passage of a donation act.[31]

[29] *Cong. Globe, 1849–50*, 295.

[30] *Id.*, 295. A correspondent of the New York *Tribune* remarks on Thurston's resolutions: 'There are squalls ahead for the Hudson's Bay Company.' *Or. Spectator*, May 2, 1850.

[31] See *Or. Spectator*, April 18, 1850; *31st Cong., 1st Sess., U. S. Acts and Res.*, 26–7; *Johnson's Cal. and Or.*, 332; *Cong. Globe, 1849–50*, 1076–7; *Id.*, 1610; *Or. Spectator*, Aug. 8, 1850.

It was chiefly suggested by Mr Thurston, and was passed April 22d without opposition. Having secured this measure, as he believed, he next brought up the topics embraced in the last memorial on which he expected to found his advocacy of a donation law, and embodied them in another series of resolutions, so artfully drawn up[32] as to compel the committee to take that view of the subject most likely to promote the success of the measure. Not that there was reason to fear serious opposition to a law donating a liberal amount of land to Oregon settlers. It had for years been tacitly agreed to by every congress, and could only fail on some technicality. But to get up a sympathetic feeling for such a bill, to secure to Oregon all and more than was asked for through that feeling, and to thereby so deserve the approval of the Oregon people as to be reëlected to congress, was the desire of Thurston's active and ardent mind. And toward this aim he worked with a persistency that was admirable, though some of the means resorted to, to bring it about, and to retain the favor of the party that elected him, were as unsuccessful as they were reprehensible.

From the first day of his labors at Washington this relentless demagogue acted in ceaseless and open hostility to every interest of the Hudson's Bay Company in Oregon, and to every individual in any way connected with it.[33]

Thurston, like Thornton, claimed to have been the author of the donation land law. I have shown in a

[32] *Cong. Globe, 1849–50*, 413; *Or. Statesman*, May 9, 1851.

[33] Here is a sample of the ignorance or mendacity of the man, whichever you will. A circular issued by Thurston while in Washington to save letter-writing, says, speaking of the country in which Vancouver is located: 'It was formerly called Clarke county; but at a time when British sway was in its palmy days in Oregon, the county was changed from Clarke to Vancouver, in honor of the celebrated navigator, and no less celebrated slanderer of our government and people. Now that American influence rules in Oregon, it is due to the hardy, wayworn American explorer to realter the name of this county, and grace it again with the name of him whose history is interwoven with that of Oregon. So our legislature thought, and so I have no doubt they spoke and acted at their recent session.' *Johnson's Cal. and Or.*, 267. It was certainly peculiar to hear this intelligent legislator talk of counties

previous chapter that a bill creating the office of surveyor-general in Oregon, and to grant donation rights to settlers, and for other purposes, was before congress in both houses in January 1848, and that it failed through lack of time, having to await the territorial bill which passed at the last moment. Having been crowded out, and other affairs pressing at the next session, the only trace of it in the proceedings of congress is a resolution by Collamer, of Vermont, on the 25th of January 1849, that it should be made the special order of the house for the first Tuesday of February, when, however, it appears to have been forgotten; and it was not until the 22d of April 1850 that Mr Fitch, chairman of the committee on territories, again reported a bill on this subject. That the bill brought up at this session was but a copy of the previous one is according to usage; but that Thurston had been at work with the committee some peculiar features of the bill show.[34]

There was tact and diplomacy in Thurston's character, which he displayed in his short congressional

in Oregon before the palmy days of British sway, and of British residents naming counties at all. While Thurston was in Washington, the postmaster-general changed the name of the postoffice at Vancouver to Columbia City. *Or. Statesman*, May 28, 1851.

[34] Thornton alleges that he presented Thurston before leaving Oregon with a copy of his bill, *Or. Hist.*, MS., 13, and further that 'the donation law we now have, except the 11th section and one or two unimportant amendments, is an exact copy of the bill I prepared.' *Or. Pioneer Asso. Trans. 1874*, 94. Yet when Thurston lost his luggage on the Isthmus he lost all his papers, and could not have made an 'exact copy' from memory. In another place he says that before leaving Washington he drew up a land bill which he sent to Collamer in Vermont, and would have us believe that this was the identical bill which finally passed. Not knowing further of the bill than what was stated by Thornton himself, I would only remark upon the evidence that Collamer's term expired before 1850, though that might not have prevented him from introducing any suggestions of Thornton's into the bill reported in January 1849. But now comes Thornton of his own accord, and admits he has claimed too much. He did, he says, prepare a territorial and also a land bill, but on 'further reflction, and after consulting others, I deemed it not well to have these new bills offered, it having been suggested that the bills already pending in both houses of congress could be amended by incorporating into them whatever there was in my bills not already provided for in the bills which in virtue of their being already on the calendar would be reached before any bills subsequently introduced.' From a letter dated August 8, 1882, which is intended as an addendum to the *Or. Hist.*, MS., of Thornton.

career. He allowed the land bill to drift along, making only some practical suggestions, until his resolutions had had time to sink into the minds of members of both houses. When the bill was well on its way he proposed amendments, such as to strike out of the fourth section that portion which gave every settler or occupant of the public lands above the age of eighteen a donation of three hundred and twenty acres of land if a single man, and if married, or becoming married within a given time, six hundred and forty acres, one half to himself in his own right, and the other half to his wife in her own right, the surveyor-general to designate the part inuring to each;[35] and to make it read "that there shall be, and hereby is granted to every white male settler, or occupant of the public lands, American half-breeds included, members and servants of the Hudson's Bay and Puget Sound companies excepted," etc.

He proposed further a proviso "that every foreigner making claim to lands by virtue of this act, before he shall receive a title to the same, shall prove to the surveyor-general that he has commenced and completed his naturalization and become an American citizen." The proviso was not objected to, but the previous amendment was declared by Bowlin, of Missouri, unjust to the retired servants of the fur company, who had long lived on and cultivated farms. The debate upon this part of the bill became warm, and Thurston, being pressed, gave utterance to the following infamous lies:

"This company has been warring against our government these forty years. Dr McLoughlin has been their chief fugleman, first to cheat our government out of the whole country, and next to prevent its settlement. He has driven men from claims and from

[35] This was the principle of the donation law as passed. The surveyor-general usually inquired of the wife her choice, and was gallant enough to give it her; hence it usually happened that the portion having the dwelling and improvements upon it went to the wife.

the country to stifle the efforts at settlement. In 1845 he sent an express to Fort Hall, eight hundred miles, to warn the American emigrants that if they attempted to come to Willamette they would all be cut off; they went, and none were cut off...I was instructed by my legislature to ask donations of land to American citizens only. The memorial of the Oregon legislature was reported so as to ask donations to settlers, and the word was stricken out, and citizens inserted. This, sir, I consider fully bears me out in insisting that our public lands shall not be thrown into the hands of foreigners, who will not become citizens, and who sympathize with us with crocodile tears only.[36]...I can refer you to the supreme judge of our territory[37] for proof that this Dr McLoughlin refuses to file his intention to become an American citizen.[38] If a foreigner would bona fide file his intentions I would not object to give him land. There are many Englishmen, members of the Hudson's

[36] The assertion contained in this paragraph that the word 'settler' was altered to 'citizen' in the memorial was also untrue. I have a copy of the memorial signed by the chief cherk of both the house and council, and inscribed, 'Passed July 26, 1849,' in which congress is asked to make a grant of 640 acres of land 'to each actual settler, including widows and orphans.' *Or. Archives*, MS., 177.

[37] Bryant was then in Washington to assist in the missionary scheme, of which, as the assignees of Abernethy, both he and Lane were abettors.

[38] Thurston also knew this to be untrue. William J. Berry, writing in the *Spectator*, Dec. 26, 1850, says: 'Now, I assert that Mr Thurston knew, previous to the election, that Dr McLoughlin had filed his intentions. I heard him say, in a stump speech at the City Hotel, that he expected his (the doctor's) vote. At the election I happened to be one of the judges. Dr McLoughlin came up to vote; the question was asked by myself, if he had filed his intentions. The clerk of the court, George L. Curry, Esq., who was standing near the window, said that he had. He voted.' Says McLoughlin: 'I declared my intention to become an American citizen on the 30th of May, 1849, as any one may see who will examine the records of the court.' *Or. Spectator*, Sept. 12, 1850. Waldo, testifies: 'Thurston lied on the doctor. He did it because the doctor would not vote for him. He lied in congress, and got others to write lies from here about him—men who knew nothing about it. They falsified about the old doctor cheating the people, setting the Indians on them, and treating them badly.' *Critiques*, MS., 15. Says Applegate: 'Thurston asserted among many other falsehoods, that the doctor utterly refused to become an American citizen, and Judge Bryant endorsed the assertion.' *Historical Correspondence*, MS., 14. Says Grover: 'The old doctor was looking to becoming a leading American citizen until this difficulty occurred in regard to his land. He had taken out naturalization papers. All his life from young manhood had been spent in the north-west; and he was not going to leave the country.' *Public Life in Or.*, MS., 91.

Bay Company, who would file their intention merely to get the land, and then tell you to whistle. Now, sir, I hope this house, this congress, this country, will not allow that company to stealthily get possession of all the good land in Oregon, and thus keep it out of the hands of those who would become good and worthy citizens." [39]

Having prepared the way by a letter to the house of representatives for introducing into the land bill a section depriving McLoughlin of his Oregon City claim, which he had the audacity to declare was first taken by the Methodist mission, section eleventh of the law as it finally passed, and as it now stands upon the sixty-eighth page of the *General Laws of Oregon*, was introduced and passed without opposition. Judge Bryant receiving his bribe for falsehood, by the reservation of Abernethy Island, which was "confirmed to the legal assigns of the Willamette Milling and Trading Company," while the remainder, except lots sold or given away by McLoughlin previous to the 4th of March 1849, should be at the disposal of the legislative assembly of Oregon for the establishment and endowment of a university, to be located not at Oregon City, but at such place in the territory as the legislature might designate. Thus artfully did the servant of the Methodist mission strive for the ruin of McLoughlin and the approbation of his constituents, well knowing that they would not feel so much at liberty to reject a bounty to the cause of education, as a gift of any other kind.[40]

[39] *Cong. Globe, 1849–50*, 1079.

[40] In Thurston's letter to the house of representatives he appealed to them to pass the land bill without delay, on the ground that Oregon was becoming depopulated through the neglect of congress to keep its engagement. The people of the States had, he declared, lost all confidence in their previous belief that a donation law would be passed; and the people in the territory were ceasing to improve, were going to California, and when they were fortunate enough to make any money, were returning to the Atlantic States. 'Our population,' he said, 'is dwindling away, and our anxieties and fears can easily be perceived.' Of the high water of 1849–50, which carried away property and damaged mills to the amount of about $300,000, he said: 'The owners who have means dare not rebuild because they have no title. Each man is collecting his means in anticipation that he may leave the country.' And this, although

In his endeavor to accomplish so much villany the delegate failed. The senate struck out a clause in the fourth section which required a foreigner to emigrate from the United States, and which he had persuaded the house to adopt by his assertions that without it the British fur company would secure to themselves all the best lands in Oregon. Another clause insisted on by Thurston when he found he could not exclude British subjects entirely, was that a foreigner could not become entitled to any land notwithstanding his intentions were declared, until he had completed his naturalization, which would require two years; and this was allowed to stand, to the annoyance of the Canadian settlers who had been twenty years on their claims.[41] But the great point gained in Thurston's estimation by the Oregon land bill was the taking-away from the former head of the Hudson's Bay Company of his dearly bought claim at the falls of the Willamette, where a large portion of his fortune was invested in improvements. The last proviso of the fourth section forbade any one claiming under the land law to claim under the treaty of 1846. McLoughlin, having declared his intention to become an American citizen was no longer qualified to claim under the treaty, and congress having, on the representations of Thurston, taken from McLoughlin what he claimed under the land law there was left no recourse whatever.[42]

he had told Johnson, *California and Oregon*, which see, page 252, exactly the contrary. See *Or. Spectator*, Sept. 12th, and compare with the following: There were 38 mills in Oregon at the taking of the census of 1850, and a fair proportion of them ground wheat. They were scattered through all the counties from the sound to the head of the Willamette Valley. *Or. Statesman*, April 25, 1851; and with this: 'The census of 1849 showed a population of over 9,000, about 2,000 being absent in the mines. The census of 1850 showed over 13,000, without counting the large immigration of that year or the few settlers in the most southern part of Oregon.' *Or. Statesman*, April 10th and 25, 1851.

[41] *Cong. Globe, 1849–50*, 1853.

[42] Says Applegate: 'It must have excited a kind of fiendish merriment in the hearts of Bryant and Thurston; for notwithstanding their assertions to the contrary, both well knew that the doctor by renouncing his allegiance to Great Britain had forfeited all claims as a British subject.' *Historical Correspondence*, MS., 15.

I have said that Thurston claimed the Oregon land bill as his own. It was his own so far as concerned the amendments which damaged the interests of men in the country whom he designated as foreigners, but who really were the first white persons to maintain a settlement in the country, and who as individuals, were in every way entitled to the same privileges as the citizens of the United States, and who had at the first opportunity offered themselves as such. In no other sense was it his bill. There was not an important clause in it which had not been in contemplation for years, or which was not suggested by the frequent memorials of the legislature on the subject. He worked earnestly to have it pass, for on it, he believed, hung his reëlection. So earnestly did he labor for the settlement of this great measure, and for all other measures which he knew to be most desired, that though they knew he was a most selfish and unprincipled politician, the people gave him their gratitude.[43]

A frequent mistake of young, strong, talented, but inexperienced and unprincipled politicians, is that of going too fast and too far. Thurston was an exceedingly clever fellow; the measures which he took upon himself to champion, though in some respects unjust and infamous, were in other respects matters which lay very near the heart of the Oregon settler. But like Jason Lee, Thurston overreached himself. The good that he did was dimmed by a sinister shadow. In September a printed copy of the bill, containing the obnoxious eleventh section, with a copy of his letter to the house of representatives, and other like matter, was received by his confidants, together with an injunction of secrecy until sufficient time should have

[43] Grover, *Public Life in Oregon*, MS., 98–9, calls the land bill 'Thurston's work, based upon Linn's bill;' but Grover simply took Thurston's word for it, he being then a young man, whom Thurston persuaded into going to Oregon. Johnson's *Cal. and Or.*, which is, as to the Oregon part, merely a reprint of Thurston's papers, calls it Thurston's bill. Hines, *Or. and Institutions*, does the same; but any one conversant with the congressional and legislative history of Oregon knows better.

passed for the bill to become a law.[44] When the vile injustice to John McLoughlin became known, those of Thurston's friends who were not in the conspiracy met the charge with scornful denial. They would not believe it.[45] And when time had passed, and the matter became understood, the feeling was intense. McLoughlin, as he had before been driven by the thrusts of his enemies to do, replied through the *Spectator* to the numerous falsehoods contained in the letter.[46] He knew that although many of the older settlers

[44] 'Keep this still,' writes the arch schemer, 'till next mail, when I shall send them generally. The debate on the California bill closes next Tuesday, when I hope to get passed my land bill; keep dark 'til next mail. Thurston. June 9, 1850.' *Or. Spectator*, Sept. 12, 1850.

[45] Wilson Blain, who was at that time editor of the *Spectator*, as Robert Moore was proprietor, found himself unable to credit the rumor. 'We venture the assertion,' he says, 'that the story was started by some malicious or mischief-making person for the purpose of preventing the improvement of Clackamas rapids.' *Or. Spectator*, Aug. 22, 1850.

[46] 'He says that I have realized, up to the 4th of March 1849, $200,000 from sale of lots; this is also wholly untrue. I have given away lots to the Methodists, Catholics, Presbyterians, Congregationalists, and Baptists. I have given eight lots to a Roman Catholic nunnery, and eight lots to the Clackamas Female Protestant seminary, incorporated by the Oregon legislature. The trustees are all Protestants, though it is well known I am a Roman Catholic. In short, in one way and another I have donated to the county, to schools, to churches, and private individuals, more than three hundred town lots, and I never realized in cash $20,000 from all the original sales I ever made... I was a chief factor in the Hudson's Bay Company service, and by the rules of the company enjoy a retired interest, as a matter of right. Capt. McNeil, a native-born citizen of the United States of America, holds the same rank that I held in the Hudson's Bay Company's service. He never was required to become a British subject; he will be entitled, by the laws of the company, to the same retired interest, no matter to what country he may owe allegiance.' After declaring that he had taken out naturalization papers, and that Thurston was aware of it, and had asked him for his vote and influence, but that he had voted against him, he says: 'But he proceeds to refer to Judge Bryant for the truth of his statement, in which he affirms that I assigned to Judge Bryant as a reason why I still refused to declare my intention to become an American citizen, that I could not do it without prejudicing my standing in England. I am astonished how the supreme judge could have made such a statement, as he had a letter from me pointing out that I had declared my intention of becoming an American citizen. The cause which led to my writing this letter is that the island, called Abernethy's Island by Mr Thurston, and which he proposes to donate to Mr Abernethy, his heirs and assigns, is the same island which Mr Hathaway and others jumped in 1841, and formed themselves into a joint stock company, and erected a saw and grist-mill on it, as already stated. From a desire to preserve the peace of the country, I deferred bringing the case to a trial 'til the government extended its jurisdiction over the country; but when it had done so, a few days after the arrival of Judge Bryant, and before the courts were organized, Judge Bryant bought the island of George Abernethy, Esq., who had bought the stock of the other associates, and as the island was in Judge Bryant's district, and as there were only two judges in the territory, I

understood the merits of the case, all classes were to be appealed to. There were those who had no regard for truth or justice; those who cared more for party than principle; those who had ignorantly believed the charges made against him; and those who, from national, religious, or jealous feelings, were united in a crusade against the man who represented in their eyes everything hateful in the British character and unholy in the Catholic religion, as well as the few who were wilfully conspiring to complete the overthrow of this British Roman Catholic aristocrat.

There were others besides McLoughlin who felt themselves injured; those who had purchased lots in Oregon City since the 4th of March 1849. Notice was issued to these property-holders to meet for the purpose of asking congress to confirm their lots to them also. Such a meeting was held on the 19th of September, in Oregon City, Andrew Hood being chairman, and Noyes Smith secretary. The meeting was addressed by Thornton and Pritchett, and a memorial to congress prepared, which set forth that the Oregon City claim was taken and had been held in accordance with the laws of the provisional and territorial governments of Oregon; and that the memorialists considered it as fully entitled to protection as any other claim; no intimation to the contrary ever having been made up to that time. That under this impression, both before and since the 4th of March 1849, large portions of it, in lots and blocks, had been purchased in good faith by many citizens of Oregon, who had erected valuable buildings thereon, in the expectation of having a complete and sufficient title when congress should grant a title to

thought I could not at the time bring the case to a satisfactory decision. I therefore deferred bringing the case to a time when the bench would be full... Can the people of Oregon City believe that Mr Thurston did not know, some months before he left this, that Mr Abernethy had sold his rights, whatever they were, to Judge Bryant, and therefore proposing to congress to donate this island to Mr Abernethy, his heirs and assigns, was in fact, proposing to donate it to Judge Bryant, his heirs and assigns.' *Or. Spectator*, Sept. 12, 1850.

the original occupant. That since the date mentioned, the occupant of the claim had donated for county, educational, charitable, and religious purposes more than two hundred lots, which, if the bill pending should pass, would be lost to the public, as well as a great loss sustained by private individuals who had purchased property in good faith. They therefore prayed that the bill might not pass in its present form, believing that it would work a "severe, inequitable, unnecessary, and irremediable injustice." The memorial was signed by fifty-six persons,[47] and a resolution declaring the selection of the Oregon City claim for reservation uncalled for by any considerable portion of the citizens of the territory, and as invidious and unjust to McLoughlin, was offered by Wait and adopted, followed by another by Thornton declaring that the gratitude of multitudes of people in Oregon was due to John McLoughlin for assistance rendered them. In some preliminary remarks, Thornton referred to the ingratitude shown their benefactor, by certain persons who had not paid their debts to McLoughlin, but who had secretly signed a petition to take away his property. McLoughlin also refers to this petition in his newspaper defence; but if there was such a petition circulated or sent it does not appear in any of the public documents, and must have been carefully suppressed by Thurston himself, and only used in the committee rooms of members of congress.[48]

[47] The names of the signers were: Andrew Hood, Noyes Smith, Forbes Barclay, A. A. Skinner, James D. Holman, W. C. Holman, J. Quinn Thornton, Walter Pomeroy, A. E. Wait, Joseph C. Lewis, James M. Moore, Robert Moore, R. R. Thompson, George H. Atkinson, M. Crawford, Wm. Hood, Thomas Lowe, Wm. B. Campbell, John Fleming, G. Hanan, Robert Canfield, Alex. Brisser, Samuel Welch, Gustavus A. Cone, Albert Gaines, W. H. Tucker, Arch. McKinlay, Richard McMahon, David Burnsides, Hezekiah Johnson, P. H. Hatch, J. L. Morrison, Joseph Parrott, Ezra Fisher, Geo. T. Allen, L. D. C. Latourette, D. D. Tompkins, Wm. Barlow, Amory Holbrook, Matthew Richardson, John McClosky, Wm. Holmes, H. Burns, Wm. Chapman, Wm. K. Kilborn, J. R. Ralston, B. B. Rogers, Chas. Friedenberg, Abraham Wolfe, Samuel Vance, J. B. Backenstos, John J. Chandler. S. W. Moss, James Winston Jr., Septimus Huelot, Milton Elliott. *Or. Spectator*, Sept. 26, 1850.

[48] Considering the fact that Thornton had been in the first instance the

Not long after the meeting at Oregon City, a public gathering of about two hundred was convened at Salem for the purpose of expressing disapproval of the resolutions passed at the Oregon City meeting, and commendation of the cause of the Oregon delegate.[49]

In November a meeting was held in Linn county at which resolutions were passed endorsing Thurston and denouncing McLoughlin. Nor were there wanting those who upheld the delegate privately, and who wrote approving letters to him, assuring him that he was losing no friends, but gaining them by the score, and that his course with regard to the Oregon City claim would be sustained.[50]

Mr Thurston has been since condemned for his action in the matter of the Oregon City claims. But even while the honest historian must join in reprobat-

unsuccessful agent of the leading missionaries in an effort to take away the claim of McLoughlin, it might be difficult to understand how he could appear in the role of the doctor's defender. But ever since the failure of that secret mission there had been a coolness between Abernethy and his private delegate, who, now that he had been superseded by a bolder and more fortunate though no less unscrupulous man, had publicly espoused the cause of the victim of all this plotting, who still, it was supposed, had means enough left to pay for the legal advice he was likely to need, if ever he was extricated from the anomalous position into which he would be thrown by the passage of the Oregon land bill. His affectation of proper sentiment imposed upon McLoughlin, who gave him employment for a considerable time. As late as 1870, however, this doughty defender of the just, on the appearance in print of Mrs Victor's *River of the West*, in which the author gives a brief statement of the Oregon City claim case, having occasion at that time to court the patronage of the Methodist church, made a violent attack through its organ, the *Pacific Christian Advocate*, upon the author of that book for taking the same view of the case which is announced in the resolution published under his own name in the *Spectator* of September 26, 1850. But not having ever been able to regain in the church a standing which could be made profitable, and finding that history would vindicate the right, he has made a request in his autobiography that the fact of his having been McLoughlin's attorney should be mentioned, 'in justice to the doctor!' It will be left for posterity to judge whether Thornton or McLoughlin was honored by the association.

[49] William Shaw, a member of the committee framing these resolutions, says, in his *Pioneer Life*, MS., 14–15: 'I came here, to Oregon City, and spent what money I had for flour, coffee, and one thing and another; and I went back to the Hudson's Bay Company and bought 1,000 pounds of flour from Douglass. I was to pay him for it after I came into the Valley. He trusted me for it, although he had never seen me before. I took it up to the Dalles and distributed it among the emigrants.' W. C. Rector has, in later years, declared that McLoughlin was the father of Oregon. McLoughlin little understood the manner in which public sentiment is manufactured for party or even for individual purposes, when he exclaimed indignantly: 'No man could be found to assert' that he had done the things alleged.

[50] *Odell's Biog. of Thurston*, MS., 26.

ing his unscrupulous sacrifice of truth to secure his object, the people then in Oregon should be held as deserving of a share in the censure which has attached to him. His course had been marked out for him by those who stood high in society, and who were leaders of the largest religious body in Oregon. He had been elected by a majority of the people. The people had been pleased and more than pleased with what he had done. When the alternative had been presented to them of condemning or endorsing him for this single action, their first impulse was to sustain the man who had shown himself their faithful servant, even in the wrong, rather than have his usefulness impaired. Almost the only persons to protest against the robbery of McLoughlin were those who were made to suffer with him. All others either remained silent, or wrote encouraging letters to Thurston, and as Washington was far distant from Oregon he was liable to be deceived.[51]

When the memorial and petition of the owners of lots in Oregon City, purchased since the 4th of March 1849, came before congress, there was a stir, because Thurston had given assurances that he was acting in accordance with the will of the people. But the memorialists, with a contemptible selfishness not unusual in mankind, had not asked that McLoughlin's claim might be confirmed to him, but only that their lots might not he sacrificed.

Thurston sought everywhere for support. While in Washington he wrote to Wyeth for testimony against McLoughin, but received from that gentleman only the warmest praise of the chief factor. Suspecting Thurston's sinister design Wyeth even wrote

[51] Thornton wrote several articles in vindication of McLoughlin's rights; but he was employed by the doctor as an attorney. A. E. Wait also denounced Thurston's course; but he also was at one time employed by the doctor. Wait said: 'I believed him (Thurston) to be strangely wanting in discretion; morally and politically corrupt; towering in ambition, and unscrupulous of the means by which to obtain it; fickle and suspicious in friendship; implacable and revengeful in hatred, vulgar in speech, and prone to falsehood.' *Or. Spectator*, March 20, 1851.

to Winthrop, of Massachusetts, cautioning him against Thurston's misrepresentations. Then Thurston prepared an address to the people of Oregon, covering sixteen closely printed octavo pages, in which he recounts his services and artifices.

With no small cunning he declared that his reason for not asking congress to confirm to the owners lots purchased or obtained of McLoughlin after the 4th of March, 1849, was because he had confidence that the legislative assembly would do so; adding that the bill was purposely so worded in order that McLoughlin would have no opportunity of transferring the property to others who would hold it for him. Thus careful had he been to leave no possible means by which the man who had founded and fostered Oregon City could retain an interest in it. And having openly advocated educating the youth of Oregon with the property wrested from the venerable benefactor of their fathers and mothers, he submitted himself for reëlection,[52] while the victim of missionary and personal malice began the painful and useless struggle to free himself from the toils by which his enemies had surrounded him, and from which he never escaped during the few remaining years of his life.[53]

[52] *Address to the Electors*, 12.

[53] McLoughlin died September 3, 1857, aged 73 years. He was buried in the enclosure of the Catholic church at Oregon City; and on his tombstone, a plain slab, is engraved the legend: 'The Pioneer and Friend of Oregon; also The Founder of this City.' He laid his case before congress in a memorial, with all the evidence, but in vain. Lane, who was then in that body as a delegate from Oregon, and who was personally interested in defeating the memorial, succeeded in doing so by assertions as unfounded as those of Thurston. This blunt old soldier, the pride of the people, the brave killer of Indians, turned demagogue could deceive and cheat with the best of them. See *Cong. Globe*, *1853-4*, 1080-82, and *Letter of Dr McLoughlin*, in *Portland Oregonian*, July 22, 1854. Toward the close of his life McLoughlin yielded to the tortures of disease and ingratitude, and betrayed, as he had never done before, the unhappiness his enemies had brought upon him. Shortly before his death he said to Grover, then a young man: 'I shall live but a little while longer; and this is the reason that I sent for you. I am an old man and just dying, and you are a young man and will live many years in this country. As for me, I might better have been shot'—and he brought it out harshly—'like a bull; I might better have been shot forty years ago!' After a silence, for I did not say anything, he concluded, 'than to have lived here, and tried to build up a family and an estate in this government. I became a citizen of the United States in good faith. I planted all I had here, and the govern-

When the legislative assembly met in the autumn of 1850 it complied with the suggestion of Thurston, so far as to confirm the lots purchased since March 1849 to their owners, by passing an act for that purpose, certain members of the council protesting.[54] This act was of some slight benefit to McLoughlin, as it stopped the demand upon him, by people who had purchased property, to have their money returned.[55] Further than this they refused to go, not having a clear idea of their duty in the matter. They neither accepted the gift nor returned it to its proper owner, and it was not until 1852, after McLoughlin had completed his naturalization, that the legislature passed an act accepting the donation of his property for the purposes of a university.[56] Before it was given back to the heirs of McLoughlin, that political party to which Thurston belonged, and which felt bound to justify his acts, had gone out of power in Oregon. Since that time many persons have, like an army in a wilderness building a monument over a dead comrade by casting each a stone upon his grave, placed their tribute of praise in my hands to be built into

ment has confiscated my property. Now what I want to ask of you is, that you will give your influence, after I am dead; to have this property go to my children. I have earned it, as other settlers have earned theirs, and it ought to be mine and my heirs'.' 'I told him,' said Grover, 'I would favor his request, and I always did favor it; and the legislature finally surrendered the property to his heirs.' *Pub. Life*, MS., 88–90.

[54] Waymire and Miller protested, saying that it was not in accordance with the object of the donation, and was robbing the university; that the assembly were only agents in trust, and had no right to dispose of the property without a consideration. *Or. Spectator*, Feb. 13, 1851.

[55] 'My father paid back thousands of dollars,' says Mrs Harvey. *Life of McLoughlin*, MS., 38.

[56] The legislature of 1852 accepted the donation. In 1853–4 a resolution was offered by Orlando Humason thanking McLoughlin for his generous conduct toward the early settlers; but as it was not in very good taste wrongfully to keep a man's property while thanking him for previous favors, the resolution was indefinitely postponed. In 1855–6 a memorial was drawn up by the legislature asking that certain school lands in Oregon City should be restored to John McLoughlin, and two townships of land in lieu thereof should be granted to the university. *Salem, Or. Statesman*, Jan 29th and Feb. 5, 1856. Nothing was done, however, for the relief of McLoughlin or his heirs until 1862, when the legislature conveyed to the latter for the sum of $1,000 the Oregon City claim; but the long suspension of the title had driven money seeking investment away from the place and materially lessened its value.

the monument of history testifying one after another to the virtues, magnanimity, and wrongs of John McLoughlin.[57]

Meanwhile, and though reproved by the public prints, by the memorial spoken of, and by the act of the legislature in refusing to sanction so patent an iniquity,[58] the Oregon delegate never abated his industry, but toiled on, leaving no stone unturned to secure his reëlection. He would compel the approbation and gratitude of his constituency, to whom he was ever pointing out his achievements in their behalf.[59] The appropriations for Oregon, besides one hundred thousand dollars for the Cayuse war expenses, amounted in all to one hundred and ninety thousand dollars.[60]

[57] McKinlay, his friend of many years, comparing him with Douglas, remarks that McLoughlin's name will go down from generation to generation when Sir James Douglas' will be forgotten, as the maker of Oregon, and one of the best of men. *Compton's Forts and Fort Life*, MS., 2. Finlayson says identically the same in *Vanc. Isl. and N. W. Coast*, MS., 28–30. There are similar observations in *Minto's Early Days*, MS., and in *Waldo's Critiques*, MS.; *Brown's Willamette Valley*, MS.; *Parrish's Or. Anecdotes*, MS.; Joseph Watt, in *Palmer's Wagon Trains*, MS.; Rev. Geo. H. Atkinson, in *Oregon Colonist*, 5; M. P. Deady, in *Or. Pioneer Assoc., Trans.*, 1875, 18; W. H. Rees, *Id.*, 1879, 31; *Grover's Public Life in Or.*, MS., 86–92; *Ford's Roadmakers*, MS.; *Crawford's Missionaries*, MS.; *Moss' Pioneer Times*, MS.; *Burnett's Recollections*, MS., i. 91–4, 273–4, 298, 301–3; Mrs E. M. Wilson, in *Oregon Sketches*, MS., 19–21; *Blanchet's Cath. Ch. in Or.*, 71; *Chadwick's Pub. Records*, MS., 4–5; H. H. Spalding, in *27th Cong., 2d Sess.*, 830, 57; *Ebbert's Trapper's Life*, MS., 36–7; *Pettygrove's Oregon*, MS., 1–2, 5–6; *Lovejoy's Portland*, MS., 37; *Anderson's Hist. N. W. Coast.*, MS., 15–16; *Applegate's Views of Hist.*, MS., 12, 15–16; *Id.*, in *Saxon's Or. Ter.*, 131–41; C. Lancaster, in *Cong. Globe, 1853–4*, 1080, and others already quoted.

[58] *Or. Spectator*, Dec. 19 and 26, 1850.

[59] W. W. Buck, who was a member of the council, repudiated the idea that Oregon was indebted to Thurston for the donation law, which Linn and Benton had labored for long before, and asserted that he had found congress ready and willing to bestow the long promised bounty. And as to the appropriations obtained, they were no more than other territories east of the mountains had received.

[60] The several amounts were, $20,000 for public buildings; $20,000 for a penitentiary; $53,140 for lighthouses at Cape Disappointment, Cape Flattery, and New Dungeness, and for buoys at the mouth of the Columbia River; $25,000 for the purposes of the Indian bill; $24,000 pay for legislature, clerks' hire, office rents, etc; $15,000 additional Indian fund; $10,000 deficiency fund to make up the intended appropriation of 1848, which had merely paid the expenses of the messengers, Thornton and Meek; $10,000 for the pay of the superintendent of Indian affairs, his clerks, office rent, etc.; $10,500, salaries for the governor, secretary, and judges; $1,500 for taking

Mr Thurston set an example, which his immediate successors were compelled to imitate, of complete conformity to the demands of the people. He aspired to please all Oregon, and he made it necessary for those who came after him to labor for the same end. It was a worthy effort when not carried too far; but no man ever yet succeeded for any length of time in acting upon that policy; though there have been a few who have pleased all by a wise independence of all. In his ardor and inexperience he went too far. He not only published a great deal of matter in the east to draw attention to Oregon, much of which was correct, and some of which was false, but he wrote letters to the people of Oregon through the *Spectator*,[61] showing forth his services from month to month, and giving them advice which, while good in itself, was akin to impudence on the part of a young man whose acquaintance with the country was of recent date. But this was a part of the man's temperament and character.

Congress passed a bounty land bill, giving one hundred and sixty acres to any officer or private who had served one year in any Indian war since 1790, or eighty acres to those who had served six months. This bill might be made to apply to those who had served in the Cayuse war, and a bill to that effect was introduced by Thurston's successor; but Thurston had already thought of doing something for the old soldiers of 1812 and later, many of whom were settlers in Oregon, by procuring the passage of a bill establishing a pension agency.[62]

He kept himself informed as well as he could of everything passing in Oregon, and expressed his approval whenever he could. He complimented the

the census; $1,500 contingent fund; and a copy of the exploring expedition for the territorial library. *31st Cong., 1st Sess., U. S. Acts and Res.*, 13, 27, 28, 31, 72, 111, 159–60, 192, 198; *Or. Spectator*, Aug. 8th and 22d, and Oct. 24, 1850.

[61] *Or. Spectator*, from Sept. 26th to Oct. 17, 1850.

[62] *Cong. Globe, 1849–50*, 564. Theophilus Magruder was appointed pension agent. *Or. Spectator*, July 25, 1850.

school superintendent, McBride, on the sentiments uttered in his report. He wrote to William Meek of Milwaukie that he was fighting hard to save his land claim from being reserved for an ordnance depot. He procured, unasked, the prolongation of the legislative session of 1850 from sixty to ninety days, for the purpose of giving the assembly time to perfect a good code, and also secured an appropriation sufficient to meet the expense of the long session.[63] He secured, when the cheap postage bill was passed, the right of the Pacific coast to a rate uniform with the Atlantic states, whereas before the rate had been four times as high; and introduced a bill providing a revenue cutter for the district of Oregon, and for the establishment of a marine hospital at Astoria; presented a memorial from the citizens of that place asking for an appropriation of ten thousand dollars for a custom-house; and a bill to create an additional district, besides application for additional ports of entry on the southern coast of Oregon.

In regard to the appropriation secured of $100,000 for the Cayuse war, instead of $150,000 asked for, Thurston said he had to take that or nothing. No money was to be paid, however, until the evidence should be presented to the secretary of the treasury that the amount claimed had been expended.[64]

This practically finished Mr Thurston's work for the session, and he so wrote to his constituents. The last of the great measures for Oregon, he said, had been consummated; but they had cost him dearly, as his impaired health fearfully admonished him. But he declared before God and his conscience he had done all that he could do for Oregon, and with an eye single to her interests. He rejoiced in his success;

[63] *Id.*, Oct. 10, 1850; *31st Cong.*, *1st Sess.*, *U. S. Acts and Res.*, 31.

[64] A memorial was received from the Oregon legislature after the passage of the bill dated Dec. 3, 1850, giving the report of A. E. Wait, commissioner, stating that he had investigated and allowed 340 claims, amounting in all to $87,230.53; and giving it as his opinion that the entire indebtedness would amount to about $150,000. *31st Cong.*, *2d Sess.*, *Sen. Misc. Doc. 29*, 3–11.

and though slander might seek to destroy him, it could not touch the destiny of the territory.[65]

Between the time of the receipt of the first copy of the land bill and the writing of this letter partisan feeling had run high in Oregon, and the newspapers were filled with correspondence on the subject. Much of this newspaper writing would have wounded the delegate deeply, but he was spared from seeing it by the irregularity and insufficiency of the mail transportation,[66] which brought him no Oregon papers for several months.

It soon became evident, notwithstanding the first impulse of the people to stand by their delegate, that a reaction was taking place, and the more generous-minded were ashamed of the position in which the eleventh section of the land bill placed them in the eyes of the world; that with the whole vast territory of Oregon wherein to pick and choose they must needs force an old man of venerable character from his just possessions for the un-American reason that he was a foreigner born, or had formerly been the honored head of a foreign company. It was well understood, too, whence came the direction of this vindictive action, and easily seen that it would operate against the real welfare of the territory.

The more time the people had in which to think over the matter, the more easily were they convinced that there were others who could fill Thurston's place without detriment to the public interests. An informal canvass then began, in which the names[67] of

[65] *Or. Spectator*, April 3, 1851. The appropriations made at the second session of the 31st Congress for Oregon were for the expenses of the territory $36,000; for running base and meridian lines, $9,000; for surveying in Oregon, $51,840; for a custom-house, $10,000; for a light-house and fog-signal at Umpqua River, $15,000; for fog-signals at the light-houses to be erected at Disappointment, Flattery, and New Dungeness, $3,000.

[66] Writing Jan. 8th, he says: 'September is the latest date of a paper I have seen. I am uninformed as yet what the cause is, only from what I experienced once before, that the steamer left San Francisco before the arrival of, or without taking the Oregon mail.' *Or. Spectator*, April 10, 1850.

[67] 'There are many very worthy and meritorious citizens who migrated to this country at an early day to choose from. I would mention the names of some of the number, leaving the door open, however, to suggestions from

several well known citizens and early settlers were mentioned; but public sentiment took no form before March, when the *Star*, published at Milwaukie, proclaimed as its candidate Thurston's opponent in the election of 1849, Columbia Lancaster. In the mean time R. R. Thompson had been corresponding with Lane, who was still mining in southern Oregon, and had obtained his consent to run if his friends wished it.[68] The *Star* then put the name of Lane in place of that of Lancaster; the *Spectator*, now managed by D. J. Schnebley, and a new democratic paper, the *Oregon Statesman*, withholding their announcements of candidates until Thurston, at that moment on his way to Oregon, should arrive and satisfy his friends of his eligibility.

But when everything was preparing to realize or to give the lie to Thurston's fondest hopes of the future, there suddenly interposed that kindest of our enemies, death, and saved him from humiliation. He expired on board the steamer *California*, at sea off Acapulco on the 9th of April 1851, at the age of thirty-five years. His health had long been delicate, and he had not spared himself, so that the heat and discomfort of the voyage through the tropics, with the anxiety of mind attending his political career, sapped the low-burning lamp of life, and its flickering flame was extinguished. Yet he died not alone or unattended. He had in his charge a company of young women, teachers whom Governor Slade of Vermont was sending to Oregon,[69] who now became his tender nurses,

others, namely, Jesse Applegate, J. W. Nesmith, Joel Palmer, Daniel Waldo, Rev. Wm Roberts, the venerable Robert Moore, James M. Moore, Gen. Joseph Lane and Gen. Lovejoy, and many others who have recently arrived in the country.' *Cor. of the Or. Spectator*, March 27, 1851.

[68] *Or. Spectator*, March 6, 1851; *Lane's Autobiography*, MS., 57.

[69] Five young women were sent out by the national board of education, at the request of Abernethy and others, under contract to teach two years, or refund the money for their passage. They were all soon married, as a matter of course—Miss Wands to Governor Gaines; Miss Smith to Mr Beers; Miss Gray to Mr McLeach; Miss Lincoln to Judge Skinner; and Miss Millar to Judge Wilson. *Or. Sketches*, MS., 15; *Grover's Pub. Life in Or.*, MS., 100; *Or. Spectator*, March 13, 1851.

and when they had closed his eyes forever, treasured up every word that could be of interest to his bereaved wife and friends.[70] Thus while preparing boldly to vindicate his acts and do battle with his adversaries, he was forced to surrender the sword which was too sharp for its scabbard, and not even his mortal remains were permitted to reach Oregon for two years.[71]

The reverence we entertain for one on whom the gods have laid their hands, caused a revulsion of feeling and an outburst of sympathy. Had he lived to make war in his own defence, perhaps McLoughlin would have been sooner righted; but the people, who as a majority blamed him for the disgraceful eleventh section of the land law, could not touch the dead lion with disdainful feet, and his party who honored his talents[72] and felt under obligations for his industry, protected his memory from even the implied censure

[70] Mrs E. M. Wilson, daughter of Rev. James P. Millar of Albany, New York, who soon followed his daughter to Oregon, gives some notes of Thurston's last days. 'He was positive enough,' she says, 'to make a vivid impression on my memory. Strikingly good-looking, direct in his speech, with a supreme will, used to overcoming obstacles... "Just wait 'til I get there," he would say, "I will show those fellows!"' *Or. Sketches*, MS., 16.

[71] The legislature in 1853 voted to remove his dust from foreign soil, and it was deposited in the cemetery at Salem; and in 1856 a monument was erected over it by the same authority. It is a plain shaft of Italian marble, 12 feet high. On its eastern face is inscribed: 'Thurston: erected by the People of Oregon,' and a fac-simile of the seal of the territory; on the north side, name, age, and death; on the south: 'Here rests Oregon's first delegate: a man of genius and learning; a lawyer and statesman, his Christian virtues equalled by his wide philanthropy, his public acts are his best eulogium.' *Salem Or. Statesman*, May 20, 1856; *Odell's Biog. of Thurston*, MS., 37; *S. F. D. Alta*, April 25, 1851.

[72] Thurston made his first high mark in congress by his speech on the admission of California. See *Cong. Globe, 1849–50*, app. 345. His remarks on the appropriations for Indian affairs were so instructive and interesting that his amendments were unanimously agreed to. A great many members shook him heartily by the hand after he had closed; and he was assured that if he had asked for $50,000 after such a speech he would have received it. *Or. Spectator*, Aug. 22, 1850. With that tendency to see something peculiar in a man who has identified himself with the west, the *N. Y. Sun* of March 26, 1850, remarked: 'Coming from the extreme west'—he was not two years from Maine—'where, it is taken for granted, the people are in a more primitive condition than elsewhere under this government, and looking, as Mr Thurston does, like a fair specimen of the frontier man, little was expected of him in an oratorical way. But he has proved to be one of the most effective speakers in the hall, which has created no little surprise.' A Massachusetts paper also commented in a similar strain: 'Mr Thurston is a young man, an eloquent and effective debater, and a bold and active man, such as are found only in the west.'

of undoing his work. And all felt that not he alone, but his secret advisers were likewise responsible.

In view of all the circumstances of Thurston's career, it is certainly to be regretted, first, that he fell under the influence of, or into alliance with, the missionary party; and secondly, that he had adopted as a part of his political creed the maxim that the end sanctifies the means, by which he missed obtaining that high place in the estimation of posterity to which he aspired, and to which he could easily have attained by a more honest use of his abilities. Associated as he is with the donation law, which gave thousands of persons free farms a mile square in Oregon, his name is engraved upon the foundation stones of the state beside those of Floyd, Linn, and Benton, and of Graham N. Fitch, the actual author of the bill before congress in 1850.[73] No other compensation had he;[74] and of that even the severest truth cannot deprive him.

Thurston had accomplished nothing toward securing a fortune in a financial sense, and he left his widow with scanty means of support. The mileage of the Oregon delegate was fixed by the organic act at $2,500. It was afterward raised to about double that amount; and when in 1856–7 on this ground a bill for the relief of his heirs was brought before congress, the secretary of the treasury was authorized to make up the difference in the mileage for that purpose.

[73] *Cong. Globe, 1850–51*, app. xxxviii.
[74] *Or. Statesman*, April 14, 1857; *Grover's Pub. Life*, MS., 101.

CHAPTER V.

ADMINISTRATION OF GAINES.

1850-1852.

AN OFFICIAL VACANCY—GAINES APPOINTED GOVERNOR—HIS RECEPTION IN OREGON—THE LEGISLATIVE ASSEMBLY IN SESSION—ITS PERSONNEL—THE TERRITORIAL LIBRARY—LOCATION OF THE CAPITAL—OREGON CITY OR SALEM—WARM AND PROLONGED CONTEST—TWO LEGISLATURES—WAR BETWEEN THE LAW-MAKERS AND THE FEDERAL JUDGES—APPEAL TO CONGRESS—SALEM DECLARED THE CAPITAL—A NEW SESSION CALLED—FEUDS OF THE PUBLIC PRESS—UNPOPULARITY OF GAINES—CLOSE OF HIS TERM—LANE APPOINTED HIS SUCCESSOR.

FROM the first of May to the middle of August 1850 there was neither governor nor district judge in the territory; the secretary and prosecuting attorney, with the United States marshal, administered the government. On the 15th of August the United States sloop of war *Falmouth* arrived from San Francisco, having on board General John P. Gaines,[1] newly appointed governor of Oregon, with his family, and other federal officers, namely: General Edward Hamilton of Ohio,[2] territorial secretary, and Judge Strong of the third district, as before mentioned.[3]

[1] According to A. Bush, of the *Oregon Statesman*, Marshall of Indiana was the first choice of President Taylor; but according to Grover, *Pub. Life in Or.*, MS., Abraham Lincoln was first appointed, and declined. Which of these authorities is correct is immaterial; it shows, however, that Oregon was considered too far off to be desirable.

[2] Hamilton was born in Culpeper Co., Va. He was a lawyer by profession; removed to Portsmouth, Ohio, where he edited the *Portsmouth Tribune*. He was a captain in the Mexican war, his title of general being obtained in the militia service. His wife was Miss Catherine Royer.

[3] The other members of the party were Archibald Gaines, A. Kinney, James E. Strong, Mrs Gaines, three daughters and two sons, Mrs Hamilton and daughter, and Mrs Strong and daughter. Gaines lost two daughters, 17 and 19 years of age, of yellow fever, at St Catherine's, en route; and Judge Strong a son of five years. They all left New York in the United States

Coming in greater state than his predecessor, the new governor was more royally welcomed,[4] by the firing of cannon, speeches, and a public dinner. In return for these courtesies Gaines presented the territory with a handsome silk flag, a gift which Thurston, in one of his eloquent encomiums upon the pioneers of Oregon and their deeds, reminded congress had never yet been offered by the government to that people. But Governor Gaines was not sincerely welcomed by the democracy, who resented the removal of Lane, and who on other grounds disliked the appointment. They would not have mourned if when he, like Lane, was compelled to make proclamation of the death of the president by whom he was appointed,[5] there had been the prospect of a removal in consequence. The grief for President Taylor was not profound with the Oregon democracy. He was accused of treating them in a cold indifferent manner, and of lacking the cordial interest displayed in their affairs by previous rulers. Nor was the difference wholly imaginary. There was not the same incentive to interest which the boundary question, and the contest over free or slave territory, had inspired before the establishment of the territory. Oregon was now on a plane with other territories, which could not have the national legislature at their beck and call, as she had done formerly, and the change could not occur without an affront to her feelings or her pride. Gaines was wholly unlike the energetic and debonair Lane, being phlegmatic in

store-ship *Supply*, in November 1849, arriving at San Francisco in July 1850, where they were transferred to the *Falmouth*. *California Courier*, July 21, 1850; *Or. Spectator*, Aug. 22, 1850; *Strong's Hist. Or.*, MS., 1, 2, 13.

[4] The *Or. Statesman* of March 28, 1851, remarks that Gaines came around Cape Horn in a government vessel, with his family and furniture, arriving at Oregon City nine months after his appointment, and drawing salary all the time, while Lane being removed, drew no pay, but performed the labor of his office.

[5] President Taylor died July 9, 1850. The intelligence was received in Oregon on the 1st of September. Friday the 20th was set for the observance of religious funeral ceremonies by proclamation of Gaines. *Or. Spectator*, Sept. 5, 1850.

temperament, fastidious as to his personal surroundings, pretentious, pompous, and jealous of his dignity.[6] The spirit in which the democracy, who were more than satisfied with Lane and Thurston, received the whig governor, was ominous of what soon followed, a bitter partisan warfare.

There had been a short session of the legislative assembly in May, under its privilege granted in the territorial act to sit for one hundred days, twenty-seven days yet remaining. No time or place of meeting of the next legislature had been fixed upon, nor without this provision could there be another session without a special act of congress, which omission rendered necessary the May term in order that this matter might be attended to. The first Monday in December was the time named for the convening of the next legislative body, and Oregon City the place. The assembly remained in session about two weeks, calling for a special session of the district court at Oregon City for the trial of the Cayuse murderers, giving the governor power to fill vacancies in certain offices by appointment, and providing for the printing of the laws, with a few other enactments.

The subject of submitting the question of a state constitution to the people at the election in June was being discussed. The measure was favored by many who were restive under presidential appointments, and who thought Oregon could more safely furnish the material for executive and judicial officers than depend on the ability of such as might be sent them. The legislature, however, did not entertain the idea at its May term, on the ground that there was not time to put the question fairly before the people. Looking at the condition and population of the territory at this time, and its unfitness to assume the

[6] Lane himself had a kind of contempt for Gaines, on account of his surrender at Encarnacion. 'He was a prisoner during the remainder of the war,' says Lane; which was not altogether true. *Autobiography*, MS., 56–7.

expenses and responsibilities of a state, the conclusion is irresistible that jealousy of the lead taken in this matter by California, and the aspirations of politicians, rather than the good of the people, prompted a suggestion which could not have been entertained by the tax-payers.

On the 2d of December the legislative assembly chosen in June met at Oregon City. It consisted of nine members in the council and eighteen in the lower house.[7] W. W. Buck of Clackamas county was chosen president of the council, and Ralph Wilcox of Washington county speaker of the house.[8] George

[7] R. P. Boise, in an address before the pioneer association in 1876, says that there were 25 members in the house; but he probably confounds this session with that of 1851-2. The assembly of 1850-1 provided for the increase of representatives to twenty-two. See list of Acts in *Or. Statesman*, March 28, 1851; *Gen. Laws Or.*, 1850-1, 225.

[8] The names of the councilmen and representatives are given in the first number of the *Oregon Statesman*. W. W. Buck, Samuel T. McKean, Samuel Parker, and W. B. Mealey were of the class which held over from 1849. I have already given some account of Buck and McKean. Parker and Mealey were both of the immigration of 1845. Parker was a Virginian, a farmer and carpenter, but a man who interested himself in public affairs. He was a good man. Mealey was a Pennsylvanian; a farmer and physician.

Of the newly elected councilmen, James McBride has been mentioned as one of the immigrants of 1847.

Richard Miller of Marion county was born in Queen Anne's county, Maryland, in 1800. He came to Oregon in 1847, and was a farmer.

A. L. Humphrey of Benton county was born in Litchfield, Connecticut, in 1796 and emigrated to Oregon in 1847. He was a farmer and merchant.

Lawrence Hall, a farmer of Washington county, was born in Bourbon county, Kentucky, March 10, 1800, and came to Oregon in 1845.

Frederick Waymire, of Polk county, a millwright, was born in Montgomery county, Ohio, March 15, 1807. He married Fanny Cochagan, of Indiana, by whom he had 17 children. He came to Oregon in 1845 and soon became known as an energetic, firm, strong, rough man, and an uncompromising partisan. 'The old apostle of democracy' and 'watchdog of the treasury' were favorite terms used by his friends in describing Waymire. He became prominent in the politics of the territory, and was much respected for his honesty and earnestness, though not always in the right. His home in Polk county, on the little river Luckiamute, was called Hayden Hall. He had been brought up a Methodist, and in the latter part of his life returned to his allegiance, having a library well stocked with historical and religious works. He died in April 28, 1873, honored as a true man and a patriotic citizen, hoping with faith that he should live again beyond the grave. R. P. Boise, in *Trans. Or. Pioneer Assoc.*, *1876*, 27-8. His wife survived until Oct. 15, 1878, when she died in her 69th year. Three only of their children are living. All the members of the council were married men with families, except Humphrey who was a widower.

The members of the house were Ralph Wilcox, William M. King of Washington county, William Shaw, William Parker, and Benjamin F. Harding of Marion, the latter elected to fill a vacancy created by the death of E.

L. Curry was elected chief clerk of the council, assisted by James D. Turner. Herman Buck was sergeant-at-arms. Asahel Bush was chosen chief clerk of the house, assisted by B. Genois. William Holmes was sergeant-at-arms, and Septimus Heulat doorkeeper.

The assembly being organized, the governor was invited to make any suggestions; and appearing before

H. Bellinger, who died after election; W. T. Matlock, Benjamin Simpson, Hector Campbell, of Clackamas; William McAlphin, E. L. Walters, of Linn; John Thorp, H. N. V. Holmes, of Polk; J. C. Avery, W. St Clair, of Benton; Aaron Payne, S. M. Gilmore, Matthew P. Deady, of Yamhill; Truman P. Powers, of Clatsop, Lewis, and Clarke counties.

Of Wilcox I have spoken in another place; also of Shaw, Walter, Payne, and McAlphin. William M. King was born and bred in Litchfield, Conn., whence he moved to Onondaga county, New York, and subsequently to Pennsylvania and Missouri. He came to Oregon in 1848 and engaged in business in Portland, soon becoming known as a talented and unscrupulous politician, as well as a cunning debater and successful tactician. He is much censured in the early territorial newspapers, partly for real faults, and partly, no doubt, from partisan feeling. He is described by one who knew him as a firm friend and bitter enemy. He died at Portland, after seeing it grow to be a place of wealth and importance, November 8, 1869, aged 69 years. H. N. V. Holmes was born in Wythe county, Va., in 1812, but removed in childhood to Pulaski county, emigrating to Oregon in 1848. He settled in a picturesque district of Polk county, in the gap between the Yamhill and La Creole valleys. He was a gentleman, of the old Kentucky school, was several times a member of the Oregon legislature, and a prosperous farmer.

B. F. Harding, a native of Wyoming county, Penn., was born in 1822, and came to Oregon in 1849. He was a lawyer by profession, and settled at Salem, for the interests of which place he faithfully labored, and for Marion county, which rewarded him by keeping him in a position of prominence for many years. He married Eliza Cox of Salem in 1851. He lived later on a fine farm in the enjoyment of abundance and independence. John Thorp was captain of a company in the immigration of 1844. He was from Madison county, Ky, and settled in Polk county, Oregon, where he followed farming. Truman P. Powers was born in 1807, and brought up in Chittenden county, Vt, coming to Oregon in 1846. He settled on the Columbia near Astoria. William Parker was a native of Derby county, England, born in 1813, but removed when a child to New York. He was a farmer and surveyor. Benjamin Simpson, born in Warren county, Tenn., in 1819, was raised in Howard county, Mo., and came to Oregon in 1846, and engaged in merchandising. Hector Campbell was born in Hampden county, Mass., in 1793, removed to Oregon in 1849, and settled on a farm in Clackamas county. William T. Matlock, a lawyer, was born in Rhone county, Tennessee, in 1802, removed when a child to Indiana, and to Oregon in 1847. Samuel M. Gilmore, born in Bedford county, Tenn., in 1814, removed first to Clay and then to Buchanan county, Missouri, whence he emigrated in 1843, settling in Yamhill county. W. St Clair was an immigrant of 1846.

Joseph C. Avery was born in Lucerne county, Penn., June 9, 1817, and was educated at Wilkesbarre, the county seat. He removed to Ill. in 1839, where he married Martha Marsh in 1841. Four years afterward he came to Oregon, spending the winter of 1845 at Oregon City. In the following spring he settled on a land claim at the mouth of Mary's River, where in 1850 he laid out a town, calling it Marysville, but asking the legislature afterward to change the name to Corvallis, which was done.

the joint legislature he read a message of considerable length and no great interest, except as to some items

Matthew Paul Deady was born in Talbot co., Md, May 12, 1824, of Irish and English ancestry. His father was a native of Kanturk, county Cork, and was by profession a teacher. He immigrated while yet a young man, with his wife, to the United States, residing near Baltimore for a few years, removing to Wheeling, Va, and again in 1837 to Belmont co., Ohio. Here the son worked on a farm until 1841. For four years afterward he learned blacksmithing, and attended school at the Barnesville academy. From 1845 to 1848 he taught school and read law with Judge William Kennon, of St Clairsville, where he was admitted to the bar of the supreme court of Ohio, Oct. 26, 1847. In 1849 he came to Oregon, settling at Lafayette, in Yamhill co., and teaching school until the spring of 1850, when he commenced the practice of the law, and in June of the same year was elected a member of the legislature, and served on the judiciary committee. In 1851 he was elected to the council for two years, serving as chairman of the judiciary committee and president of the council. In 1853 he was appointed judge of the territorial supreme court, and held the position until Oregon was admitted into the Union, February 14, 1859, and in the mean time performed the duties of district judge in the southern district. He was a member of the constitutional convention of 1857, being president of that body. His influence was strongly felt in forming the constitution, some of its marked features being chiefly his work; while in preventing the adoption of other measures he was equally serviceable. On the admission of Oregon to statehood he was elected a judge of the supreme court from the southern district without opposition, and also received the appointment of U. S. district judge. He accepted the latter position and removed to Portland, where he has resided down to the present time, enjoying the confidence and respect paid to integrity and ability in office.

During the years 1862-4, Judge Deady prepared the codes of civil and criminal procedure and the penal code, and procured their passage by the legislature as they came from his hand, besides much other legislation, including the general incorporation act of 1862, which for the first time in the U. S. made incorporation free to any three or more persons wishing to engage in any lawful enterprise or occupation. In 1864 and 1874 he made and published a general compilation of the laws of Oregon.

He was one of the organizers of the University of Oregon, and for over twelve years has been an active member of the board of regents and president of that body. For twenty years he has been president of the Library Association of Portland, which under his fostering care has grown to be one of the most creditable institutions of the state.

On various occasions Judge Deady has sat in the U. S. circuit court in San Francisco, where he has given judgment in some celebrated cases; among them are McCall *v.* McDowell, 1 Deady, 233, in which he held that the president could not suspend the habeas corpus act, the power to do so being vested in congress; Martinitti *v.* McGuire, 1 Deady, 216, commonly called the Black Crook case, in which he held that this spectacular exhibition was not a dramatic composition, and therefore not entitled to copyright; Woodruff *v.* N. B. Gravel Co., 9 Sawyer, 441, commonly called the Debris case, in which it was held that the hydraulic miners had no right to deposit the waste of the mines in the watercourses of the state to the injury of the riparian owners; and Sharon *v.* Hill, 11 Sawyer, 290, in which it was determined that the so-called marriage contract between these parties was a forgery.

On the 24th of June, 1852, Judge Deady was married to Miss Lucy A. Henderson, a daughter of Robert and Rhoda Henderson, of Yamhill co., who came to Oregon by the southern route in 1846. Mr Henderson was born in Green co., Tenn., Feb. 14, 1809, and removed to Kentucky in 1831, and to Missouri in 1834. Mrs Deady is possessed of many charms of person and character, and is distinguished for that tact which renders her at ease in all stations of life. Her children are three sons, Edward Nesmith, Paul Robert, and Henderson Brooke. The first two have been admitted to the bar, the third is a physician.

of information on the progress of the territory toward securing its congressional appropriations. The five thousand dollars granted in the organic act for erecting public buildings was in his hands, he said, to which would be added the forty thousand dollars appropriated at the last session; and he recommended that some action be taken with regard to a penitentiary, no prison having existed in Oregon since the burning of the jail at Oregon City. The five thousand dollars for a territorial library, he informed the assembly, had been expended, and the books placed in a room furnished for the purpose, the custody of which was placed in their hands.[9]

The legislative session of 1850–1 was not harmonious. There were quarrels over the expenditure of the appropriations for public buildings and the location of the capital. Although the former assembly had called a session in May, ostensibly to fix upon a place as well as a time for convening its successor, it had not fixed the place, and the present legislature had come together by common consent at Oregon City. Conceiving it to be proper at this session to establish the seat of government, according to the fifteenth section of the organic act, which authorized the legislature at its first session, or as soon thereafter as might be expedient, to locate and establish the capital of the territory, the legislature proceeded to this duty. The only places put in competition with any chance of success were Oregon City and Salem. Between these there was a lively contest, the majority of the assembly, backed by the missionary interest, being in favor of Salem, while a minority, and many Oregon City lobbyists, were for keeping the seat of government at that place. In the heat of the contest Governor Gaines unwisely interfered by a special message, in which, while

Scattered throughout this history, and elsewhere, are the evidences of the manner in which Judge Deady has impressed himself upon the institutions of Portland and the state, and always for their benefit. He possesses, with marked ability, a genial disposition, and a distinguished personal appearance, rather added to than detracted from by increasing years.

[9] Judge Bryant selected and purchased $2,000 worth of the books for the public library, and Gov. Gaines the remainder.

he did not deny the right of the legislative assembly to locate and establish the seat of government, he felt it his duty to call their attention to the wording of the act, which distinctly said that the money there appropriated should be applied by the governor; and also, that the act of June 11, 1850, making a further appropriation of twenty thousand dollars for the erection of public buildings in Oregon, declared that the money was to be applied by the governor and the legislative assembly. He further called their attention to the wording of the sixth section of the act, which declared that every law should have but one object, which should be expressed in the title, while the act passed by the legislative assembly embraced several objects. He gave it as his opinion that the law in that form was unconstitutional; but expressed a hope that they would not adjourn without taking effectual steps to carry out the recommendation he had made in his message at the beginning of the session, that they would cause the public buildings to be erected.

The location bill, which on account of its embracing several objects received the name of the omnibus bill,[10] passed the assembly by a vote of six to three in the council and ten to eight in the house, Salem getting the capital, Portland the penitentiary,[11] Corvallis the university, and Oregon City nothing. The mat-

[10] The Gaines clique also denominated the Iowa code, adopted in 1849, the steamboat code, and invalid because it contained more than one subject.

[11] It named three commissioners, each for the state-house and penitentiary, authorizing them to select one of their number to be acting commissioner and give bonds in the sum of $20,000. The state-house board consisted of John Force, H. M. Waller, and R. C. Geer; the penitentiary board, D. H. Lownsdale, Hugh D. O'Bryant, and Lucius B. Hastings. The prison was to be of sufficient capacity to receive, secure, and employ 100 convicts, to be confined in separate cells. *Or. Spectator*, March 27, 1851; *Or. Statutes*, 1853–4, 509. That Oregon City should get nothing under the embarrassment of the 11th section of the donation law was natural, but the whigs and the property-owners there may have hoped to change the action of congress in the event of securing the capital. Salem, looking to the future, was a better location. But the assembly were not, I judge, looking to anything so much as having their own way. The friends of Salem were accused of bribery, and there were the usual mutual recriminations. *Or. Spectator*, Oct. 7 and Nov. 18, 1851.

ter rapidly took shape as a political issue, the democrats going for Salem and the whigs for Oregon City, the question being still considered by many as an open one on account of the alleged unconstitutionality of the act.[12] At the same time two newspapers were started to take sides in territorial politics; the *Oregonian*, whig, at Portland in December 1850, and the *Oregon Statesman*, democratic, at Oregon City in March following.[13] A third paper, called the *Times*, was published at Portland, beginning in May 1851, which changed its politics according to patronage and circumstances.

[12] *Id.*, July 29, 1851; *Or. Statesman*, Aug. 5, 1851; *32d Cong., 1st Sess., H. Ex. Doc. 94*, 2–32; *Id., 96*, vol. ix. 1–8; *Id., 104*, vol. xii. 1–24; *32d Cong., 1st Sess., H. Misc. Doc. 9*, 4–5.

[13] The *Oregonian* was founded by T. J. Dryer, who had been previously engaged upon the *California Courier* as city editor, and was a weekly journal. Dryer brought an old Ramage press from San Francisco, with some second-hand material, which answered his purpose for a few months, when a new Washington press and new material came out by sea from New York, and the old one was sent to Olympia to start the first paper published on Puget Sound, called the *Columbian*. In time the Washington press was displaced by a power press, and was sold in 1862 to go to Walla Walla, and afterward to Idaho. Dryer conducted the *Oregonian* with energy for ten years, when the paper passed into the hands of H. L. Pittock, who first began work upon it as a printer in 1853. It has since become a daily, and is edited and partly owned by Harvey W. Scott.

The *Statesman* was founded by A. W. Stockwell and Henry Russel of Massachusetts, with Asahel Bush as editor. It was published at Oregon City till June 1853, when it was removed to Salem, and being and remaining the official paper of the territory, followed the legislature to Corvallis in 1855, when the capital was removed to that place and back again to Salem, when the seat of government was relocated there a few months later. As a party paper it was conducted with greater ability than any journal on the Pacific coast for a period of about a dozen years. Bush was assisted at various times by men of talent. On retiring from political life in 1863 he engaged in banking at Salem. Crandall and Wait then conducted the paper for a short time; but it was finally sold in November 1863 to the Oregon Printing and Publishing Company. In 1866 it was again sold to the proprietors of the *Unionist*, and ceased to exist as the *Oregon Statesman*. During the first eight years of its existence it was the ruling power in Oregon, wielding an influence that made and unmade officials at pleasure. 'The number of those who were connected with the paper as contributors to its columns, who have risen to distinguished positions, is reckoned by the dozen.' *Salem Directory*, 1871; *Or. Statesman*, March 28, 1851; *Id.*, July 25, 1854; *Brown's Will. Val.*, MS., 34; *Portland Oregonian*, April 15, 1876. Before either of these papers was started there was established at Milwaukie, a few miles below Oregon City, the *Milwaukie Star*, the first number of which was issued on the 21st of November 1850. It was owned principally by Lot Whitcomb, the proprietor of the town of Milwaukie. The prospectus stated that Carter and Waterman were the printers, and Orvis Waterman editor. The paper ran for three months under its first management, then was purchased by the

The result of the interference of the governor with legislation was to bring down upon him bitter denunciations from that body, and to make the feud a personal as well as political one. When the assembly provided for the printing of the public documents, it voted to print neither the governor's annual nor his special message, as an exhibition of disapprobation at his presumption in offering the latter,[14] assuming that he was not called upon to address them unless invited to do so, they being invested by congress with power to conduct the public business and spend the public money without consulting him. But while the legislators quarrelled with the executive they went on with the business of the commonwealth.

The hurried sessions of the territorial legislature had effected little improvement in the statutes which were still in great part in manuscript, consisting in many instances of mere reference to certain Iowa laws adopted without change. An act was passed for the printing of the laws and journals, and Asahel Bush elected printer, to the disappointment of Dryer of the *Oregonian*, who had built hopes on his political views which were the same as those of the new appointees of the federal government. But the territorial secretary, Hamilton, literally took the law into his own hands and sent the printing to a New York contractor. Thus the war went on, and the laws were as far as ever from being in an intelligible state,[15]

printers, and in May 1851 Waterman purchased the entire interest, when he removed the paper to Portland, calling it the *Times*. It survived several subsequent changes and continued to be published till 1864, recording in the mean time many of the early incidents in the history of the country. *Portland Oregonian*, April 15, 1876.

[14] The *Spectator* of Feb. 20, 1851, rebuked the assembly for its discourtesy, saying it knew of no other instance where the annual message of the governor had been treated with such contempt.

[15] The *Spectator* of August 8, 1850, remarked that there existed no law in the territory regulating marriages. If that were true, there could have existed none since 1845, when the last change in the provisional code was made. There is a report of a debate on 'a bill concerning marriages,' in the *Spectator* of Jan. 2, 1851, but the list of laws passed at the session of 1850–1 contains none on marriage. A marriage law was enacted by the legislature of 1851–2.

although the most important or latest acts were published in the newspapers, and a volume of statutes was printed and bound at Oregon City in 1851. It was not until January 1853 that the assembly provided for the compilation of the laws, and appointed L. F. Grover commissioner to prepare for publication the statutes of the colonial and territorial governments from 1843 to 1849 inclusive. The result of the commissioner's labors is a small book often quoted in these pages as *Or. Laws, 1843–9*, of much value to the historian, but which, nevertheless, needs to be confirmed by a close comparison with the archives compiled and printed at the same time, and with corroborative events; the dates appended to the laws being often several sessions out of time, either guessed at by the compiler, or mistaken by the printer and not corrected. In many cases the laws themselves are mere abstracts or abbreviations of the acts published in the *Spectator*.[16]

Nor were the archives collected any more complete, as boxes of loose papers, as late as 1878, to my knowledge, were lying unprinted in the costly state-house at Salem. Many of them have been copied for my

Among men inclined from the condition of society to early marriages, as I have before mentioned, the wording of the donation law stimulated the desire to marry in order to become lord of a mile square of land, while it influenced women to the same measure, as it was only a wife or widow who was entitled to 320 acres. Many unhappy unions were the consequence, and numerous divorces. *Deady's Hist. Or.*, MS., 33; *Victor's New Penelope*, 19–20.

[16] *Public Life in Oregon* is one of the most scholarly and analytical contributions to history which I was able to gather during my many interviews of 1878. Besides being in a measure a political history of the country, it abounds with life-like sketches of the public men of the day, given in a clear and fluent style, and without apparent bias. L. F. Grover, the author, was born at Bethel, Maine, Nov. 29, 1823. He came to California in the winter of 1850, and to Oregon early in 1851. He was almost immediately appointed clerk of the first judicial district by Judge Nelson. He soon afterward received the appointment of prosecuting attorney of the second judicial district, and became deputy United States district attorney, through his law partner, B. F. Harding, who held that office. Thereafter for a long period he was in public life in Oregon. Grover was a protegé of Thurston, who had known him in Maine, and advised him when admitted to the bar in Philadelphia to go to Oregon, where he would take him into his own office as a law-partner; but Thurston dying, Grover was left to introduce himself to the new commonwealth, which he did most successfully. *Grover's Pub. Life in Or.*, MS., 100–3; *Yreka Union*, April 1, 1870.

work, and constitute the manuscript entitled *Oregon Archives*, from which I have quoted more widely than I should have done had they been in print, thinking thus to preserve the most important information in them. The same legislature which authorized Grover's work, passed an act creating a board of commissioners to prepare a code of laws for the territory,[17] and elected J. K. Kelly, D. R. Bigelow, and R. P. Boise, who were to meet at Salem in February, and proceed to the discharge of their duties, for which they were to receive a per diem of six dollars.[18] In 1862 a new code of civil procedure was prepared by Matthew P. Deady, then United States district judge, A. C. Gibbs, and J. K. Kelly, and passed by the legislature. The work was performed by Judge Deady, who attended the session of the legislature and secured its passage. The same legislature authorized him to prepare a penal code and code of criminal procedure, which he did. This was enacted by the legislature of 1864, which also authorized him to prepare a compilation of all the laws of Oregon then in force, including the codes, in the order and method of a code, which he did, and enriched it with notes containing a history of Oregon legislation. This compilation he repeated in 1874, by authority of the legislature, aided by Lafayette Lane.

Meanwhile the work of organization and nation-making went on, all being conducted by these early legislators with fully as much honesty and intelligence as have been generally displayed by their successors. Three new counties were established and organized at the session of 1850–1, namely: Pacific, on the north side of the Columbia, on the coast; Lane, including

[17] A. C. Gibbs in his notes on *Or. Hist.*, MS., 13, says that he urged the measure and succeeded in getting it through the house. It was supported by Deady, then president of the council; and thus the code system was begun in Oregon with reformed practice and proceedings. At the same time, Thurston, it is said, when in Washington, advised the appointment of commissioners for this purpose, or that the assembly should remain in session long enough to do the work, and promised to secure from congress the money, $6,000, to pay the cost.

[18] *Or. Statutes, 1852–3*, 57–8; *Or. Statesman*, Feb. 5, 1853.

[19] See *Or. Gen. Laws, 1843–72*.

all that portion of the Willamette Valley south of Benton and Linn;[20] and Umpqua, comprising all the country south of the Calapooya mountains and head-waters of the Willamette. County seats were located in Linn, Polk, and Clatsop, the county seats of Clackamas and Washington having been established at the previous sessions of the legislature.[21]

The act passed by the first legislature for collecting the county and territorial revenues was amended; and a law passed legalizing the acts of the sheriff of Linn county, and the probate court of Yamhill county, in the collection of taxes, and to legalize the judicial proceedings of Polk county; these being cases where the laws of the previous sessions were found to be in conflict with the organic act. Some difficulty had been encountered in collecting taxes on land to which the occupants had as yet no tangible title. The same feeling existed after the passage of the donation law, though some legal authorities contended, and it has since been held that the donation act gave the occupant his land in fee simple, and that a patent was only evidence of his ownership.[22] But it took more time to settle these questions of law than the people or the legislature had at their command in 1850; hence conflicts arose which neither the judicial nor

[20] *Eugene City Guard*, July 8, 1876; *Eugene City State Journal*, July 8, 1876.

[21] It is difficult determining the value of these enactments, when for several sessions one after the other acts with the same titles appear—instance the county seat of Polk county, which was located in 1849 and again in 1850.

[22] *Deady's Scrap Book*, 5. For some years Matthew P. Deady employed his leisure moments as a correspondent of the *San Francisco Bulletin*, his subjects often being historical and biographical matter, in which he was, from his habit of comparing evidence, very correct, and in which he sometimes enunciated a legal opinion. His letters, collected in the form of a scrap-book, were kindly loaned to me. From these *Scraps* I have drawn largely; and still more frequently from his *History of Oregon*, a thick manuscript volume given to me from his own lips in the form of a dictation while I was in Portland in 1878, and taken down by my stenographer. Never in the course of my life have I encountered in one mind so vast, well arranged, and well digested a store of facts, the recital of which to me was a never failing source of wonder and admiration. His legal decisions and public addresses have also been of great assistance to me, being free from the injudicial bias of many authors, and hence most substantial material for history to rest upon. Further than this, Judge Deady is a graceful writer, and always interesting. As a man, he is one to whom Oregon owes much.

the legislative branches of the government could at once satisfactorily terminate.

The legislature amended the act laying out the judicial districts by attaching the county of Lane to the first and Umpqua to the second districts. This distribution made the first district to consist of Clackamas, Marion, Linn, and Lane; the second of Washington, Yamhill, Benton, Polk, and Umpqua; and the third of Clarke, Lewis, and Clatsop. Pacific county was not provided for in the amendment. The judges were required to hold sessions of their courts twice annually in each county of their districts. But lest in the future it might happen as in the past, any one of the judges was authorized to hold special terms in any of the districts; other laws regulating the practice of the courts were passed,[23] and also laws regulating the general elections, and ordering the erection of court-houses and jails in each county of the territory.

They amended the common school law, abolishing the office of superintendent, and ordered the election of school examiners; incorporated the Young Ladies' Academy of Oregon City, St Paul's Mission Female Seminary, the First Congregational Society of Portland, the First Presbyterian Society of Clatsop plains; incorporated Oregon City and Portland; located a number of roads, notably one from Astoria to the Willamette Valley,[24] and a plank-road from Portland to Yamhill county; and also the Yamhill Bridge Company, which built the first great bridge in the country. These, with many other less important acts, occupied the assembly for sixty days. Thurston's advice concerning memorializing congress

[23] *Or. Gen. Laws, 1850–1*, 158–164.

[24] This was a scheme of Thurston's, who, on the citizens of Astoria petitioning congress to open a road to the Willamette, proposed to accept $10,000 to build the bridges, promising that the people would build the road. He then advised the legislature to go on with the location, leaving it to him to manage the appropriations. Lane finished his work in congress, and a government officer expended the appropriation without benefiting the Astorians beyond disbursing the money in their midst. See *31st Cong., 1st Sess., H. Com. Rept., 348*, 3.

to pay the remaining expenses of the Cayuse war was acted upon, the committee consisting of McBride, Parker, and Hall, of the council, and Deady, Simpson, and Harding of the house.[25] Nothing further of importance was done at this session.

When the legislative assembly adjourned in February, it was known that Thurston was returning to Oregon as a candidate for reëlection, and it was expected that there would be a heated canvass, but that his party would probably carry him through in spite of the feeling which his course with regard to the Oregon City claim had created. But the unlooked for death of Thurston, and the popularity of Lane, who, being of the same political sentiments, and generously willing to condone a fault in a rival who had confirmed to him as the purchaser of Abernethy Island a part of the contested land claim, made the ex-governor the most fitting substitute even with Thurston's personal friends, for the position of delegate from Oregon. Some efforts had been made to injure Lane by anonymous letter-writers, who sent to the *New York Tribune* allegations of intemperance and improper associations,[26] but which were sturdily repelled by his democratic friends in public meetings, and which could not have affected his position, as Gaines was appointed in the usual round of office-giving at the beginning of a new presidential and party administration. That these attacks did not seriously injure him in Oregon was shown by the enthusiasm with which his nomination was accepted by the majority, and the result of the election, as well as by the fact of a county having been named after him between his removal as governor and nomination as delegate. The only objection to Lane, which seemed to carry any weight, was the one of being in the territory

[25] *32d Cong., 1st Sess., H. Jour.*, 1059, 1224.

[26] The writer signed himself 'Lansdale,' but was probably J. Quinn Thornton, who admits writing such letters to get Lane removed, but gives a different sobriquet as I have already mentioned—that of 'Achilles de Harley.'

without his family, which gave a transient air to his patriotism, to which people objected. They felt that their representative should be one of themselves in fact as well as by election, and this Lane declared his intention of becoming, and did in fact take a claim on the Umpqua River to show his willingness to become a citizen of Oregon. The opposing candidate was W. H. Willson, who was beaten by eighteen hundred or two thousand votes. As soon as the election was over, Lane returned to the lately discovered mining districts in southern Oregon, taking with him a strong party, intending to chastise the Indians of that section, who were becoming more and more aggressive as travel in that direction increased, and their profits from robbery and murder became more important. That he should take it upon himself to do this, when there was a regularly appointed superintendent of Indian affairs—for Thurston had persuaded congress to give Oregon a general superintendent for this work alone—surprised no one, but on the contrary appeared to be what was expected of him from his aptitude in such matters, which became before he reached Rogue River Valley wholly a military affair. The delegate-elect was certainly a good butcher of Indians, who, as we have seen, cursed them as a mistake or damnable infliction of the Almighty. And at this noble occupation I shall leave him, while I return to the history of the executive and judicial branches of the Oregon government.

Obviously the tendency of office by appointment instead of by popular election is to make men indifferent to the opinions of those they serve, so long as they are in favor with or can excuse their acts to the appointing power. The distance of Oregon from the seat of general government and the lack of adequate mail service made the Gaines faction more than usually independent of censure, as it also rendered its critics more impatient of what they looked upon as an

exhibition of petty tyranny on the part of those who were present, and of culpable neglect on the part of those who remained absent. From the date of Judge Bryant's arrival in the territory in April 1849, to the 1st of January 1851, when he resigned, he had spent but five months in his district. From December 1848 to August 1850 Pratt had been the only judge in Oregon—excepting Bryant's brief sojourn. Then he went east for his family, and Strong was the only judge for the eight months following, and till the return about the last of April 1851 of Pratt, accompanied by Chief Justice Thomas Nelson, appointed in the place of Bryant,[27] and J. R. Preston, surveyor-general of Oregon.

The judges found their several dockets in a condition hardly to justify Thurston's encomiums in congress upon their excellence of character. The freedom enjoyed under the provisional government, due in part to the absence of temptation, when all men were laborers, and when the necessity for mutual help and protection deprived them of a motive for violence, had ceased to be the boast and the security of the country. The presence of lawless adventurers, the abundance of money, and the absence of courts, had tended to develop the criminal element, till in 1851 it became notorious that the causes on trial were oftener of a criminal than a civil nature.[28]

[27] *Memorial of the Legislative Assembly of 1851–2*, in *32d Cong., 1st Sess., H. Misc. Doc.*, ix. 2–3. Thomas Nelson was born at Peekskill, New York, January 23, 1819. He was the third son of William Nelson, a representative in congress, a lawyer by profession, and a man of worth and public spirit. Thomas graduated at Williams college at the age of 17. Being still very young he was placed under a private tutor of ability in New York city, that he might study literature and the French language. He also attended medical lectures, acquiring in various ways thorough culture and scholarship, after which he added European travel to his other sources of knowledge, finally adopting law as a profession. Advancing in the practice of the law, he became an attorney and counsellor of the supreme court of the United States, and was practising with his father in Westchester county, New York, when he was appointed chief justice of Oregon. Judge Nelson's private character was faultless, his manners courteous, and his bearing modest and refined. *Livingston's Biog. Sketches*, 69–72; *S. R. Thurston*, in *Or. Spectator*, April 10, 1851.

[28] *Strong's Hist. Or.*, MS., 14. On the 7th of January 1851 William Hamilton was shot and killed near Salem by William Kendall on whose land claim

This condition of society encouraged the expression of public indignation pleasing to party prejudices and to the political aspirations of party leaders. At a meeting held in Portland April 1st, it was resolved that the president of the United States should be informed of the neglect of the judges of the first and second districts, no court having been held in Washington county since the previous spring; nor had any judge resided in the district to whom application

he was living. A special term of court was held on the 28th of March to try Kendall, who was defended by W. G. T'Vault and B. F. Harding, convicted, sentenced by Judge Strong, and executed on the 18th of April, there being at the time no jail in which to confine criminals in Marion county. About the same time a sailor named Cook was shot by William Keene, a gambler, in a dispute about a game of ten-pins. Keene was also tried before Judge Strong, convicted of manslaughter, and sentenced to six years in the penitentiary. As the jury had decided that he ought not to hang, and he could not be confined in an imaginary penitentiary, he was pardoned by the governor. *Or. Statesman*, May 16, 1851. Creed Turner a few months after stabbed and killed Edward A. Bradbury from Cincinnati, Ohio, out of jealousy, both being in love with a Miss Bonser of Sauvé Island. Deady defended him before Judge Pratt, but he was convicted and hanged in the autumn. *Id.*, Oct. 28, 1851; *Deady's Hist. Or.*, MS., 59. In Feb. 1852 William Everman, a desperate character, shot and killed Serenas C. Hooker, a worthy farmer of Polk county, for accusing him of taking a watch. He also was convicted and hanged. He had three associates in crime, Hiram Everman, his brother, who plead guilty and was sentenced to three years in the penitentiary; Enoch Smith, who escaped by the disagreement of the jury, was rearrested, tried again, sentenced to death, and finally pardoned; and David J. Coe, who by obtaining a change of venue was acquitted. As there was no prison where Hiram Everman could serve, he was publicly sold by the sheriff on the day of his brother's execution, to Theodore Prather, the highest bidder, and was set at liberty by the petition of his master just before the expiration of the three years. Smith took a land-claim in Lane county, and married. After several years his wife left him for some cause unknown. He shot himself in April 1877, intentionally, as it was believed. *Salem Mercury*, April 18, 1877. About the time of the former murder, Nimrod O'Kelly, in Benton county, killed Jeremiah Mahoney, in a quarrel about a land-claim. He was sentenced to the penitentiary and pardoned. In August, in Polk county, Adam E. Wimple, 35 years of age, murdered his wife, a girl of fourteen, setting fire to the house to conceal his crime. He had married this child, whose name was Mary Allen, about one year before. Wimple was a native of New York. *S. F. Alta*, Sept. 28, 1852. He was hanged at Dallas October 8, 1852. *Or. Statesman*, Oct. 23, 1852. Robert Maynard killed J. C. Platt on Rogue River for ridiculing him. He was executed by vigilants. Before the election of officers for Jackson county, one Brown shot another man, was arrested, tried before W. W. Fowler, temporarily elected judge, and hanged. *Prim's Judic. Affairs in Southern Or.*, MS., 10. In July 1853, Joseph Nott was tried for the murder of Ryland D. Hill whom he shot in an affray in Umpqua county. He was acquitted. Many lesser crimes appear to have been committed, such as burglary and larceny; and frequent jail deliveries were effected, these structures being built of logs and not guarded. In two years after the discovery of gold in California, Oregon had a criminal calender as large in proportion to the population as the older states.

could be made for the administration of the laws. The president should be plainly told that there were "many respectable individuals in Oregon capable of discharging the duties of judges, or filling any offices under the territorial government, who would either discharge their duties or resign their offices."[29] The arrival of the new chief justice, and Pratt, brought a temporary quiet. Strong went to reside at Cathlamet, in his own district, and the other judges in theirs.

At the first term of court held in Clackamas county by Chief Justice Nelson, he was called upon to decide upon the constitutionality of the law excluding negroes from Oregon. This law, first enacted by the provisional legislature in 1844, had been amended, reënacted, and clung to by the law-makers of Oregon with singular pertinacity, the first territorial legislature reviving it among their earliest enactments. Thurston, when questioned in congress concerning the matter, defended the law against free blacks upon the ground that the people dreaded their influence among the Indians, whom they incited to hostilities.[30] Such a reason had indeed been given in 1844, when two disorderly negroes had caused a collision between white men and Indians, but it could not be advanced as a sufficient explanation of the settled determination of the founders of Oregon to keep negroes out of the territory, because all the southern and western frontier states had possessed a large population of blacks, both slave and free, at the time they had fought the savages, without finding the negroes a dangerous element of their population. It was to quite another cause that the hatred of the African was to be ascribed; namely, scorn for an enslaved race, which refused political equality to men of a black skin, and which might raise the question of slavery to disturb the peace of society. It was not enough that Oregon

[29] *Or. Statesman*, April 11, 1851. Among those taking part in this meeting were W. W. Chapman, D. H. Lounsdale, H. D. O'Bryant, J. S. Smith, Z. C. Norton, S. Coffin, W. B. Otway, and N. Northrop.

[30] *Cong. Globe, 1849–50*, 1079, 1091.

should be a free territory which could not make a bondsman of a black man, but it must exclude the remainder of the conflict then raging on his behalf in certain quarters. Judge Nelson upheld the constitutionality of the law against free blacks, and two offenders were given thirty days in which to leave the territory.[31]

The judges found a large number of indictments in the first and second districts.[32] The most important case in Yamhill county was one to test the legality of taxing land, or selling property to collect taxes, and was brought by C. M. Walker against the sheriff, Andrew Shuck, Pratt deciding that there had been no trespass. In the cases in behalf of the United States, Deady was appointed commissioner in chancery, and David Logan[33] to take affidavits and acknowledgments of bail under the laws of congress. The law practitioners of 1850–1–2 in Oregon had the opportunity, and in many instances the talent, to stamp themselves upon the history of the commonwealth, supplanting in a great degree the men who were its founders,[34] while endeavoring to rid the terri-

[31] By a curious coincidence one of the banished negroes was Winslow, the culprit in the Oregon City Indian affair of 1844, who had lived since then at the mouth of the Columbia. Vanderpool was the other exile. *S. F. Alta*, Sept. 16, 1851; *Or. Statesman*, Sept. 2, 1851.

[32] There were 30 indictments in Yamhill county alone, a large proportion being for breach of verbal contract. Six were for selling liquor to Indians, being federal cases.

[33] Logan was born in Springfield, Ill., in 1824. His father was an eminent lawyer, and at one time a justice of the supreme court of Illinois. David immigrated to Oregon in 1850 and settled at Lafayette. He ran against Deady for the legislature in 1851 and was beaten. Soon after he removed to Portland, where he became distinguished for his shrewdness and powers of oratory, being a great jury lawyer. He married in 1862 Mary P. Waldo, daughter of Daniel Waldo. His highly excitable temperament led him into excesses which injured his otherwise eminent standing, and cut short his brilliant career in 1874. *Salem Mercury*, April 3, 1874.

[34] The practising attorneys at this time were A. L. Lovejoy, W. G. T'Vault, J. Quinn Thornton, E. Hamilton, A. Holbrook, Matthew P. Deady, B. F. Harding, R. P. Boise, David Logan, E. M. Barnum, J. W. Nesmith, A. D. M. Harrison, James McCabe, A. C. Gibbs, S. F. Chadwick, A. B. P. Wood, T. McF. Patton, F. Tilford, A. Campbell, D. B. Brenan, W. W. Chapman, A. E. Wait, S. D. Mayre, John A. Anderson, and C. Lancaster. There were others who had been bred to a legal profession, who were at work in the mines or living on land claims, some of whom resumed practice as society became more organized.

tory of men whom they regarded as transient, whose places they coveted.

There is always presumably a coloring of truth to charges brought against public officers, even when used for party purposes as they were in Oregon. The democracy were united in their determination to see nothing good in the federal appointees, with the exception of Pratt, who besides being a democrat had been sent to them by President Polk. On the other hand there were those who censured Pratt[35] for being what he was in the eyes of the democracy. The governor was held[36] equally objectionable with the judges, first on account of the position he had taken on the capital location question, and again for maintaining Kentucky hospitality, and spending the money of the government freely without consulting any one, and as his enemies chose to believe without any care for the public interests. A sort of gay and fashionable air was imparted to society in Oregon City by the families of the territorial officers and the hospitable Dr McLoughlin,[37] which was a new thing in the Willamette Valley, and provoked not a little jealousy among the more sedate and surly.[38]

[35] W. W. Chapman for contempt of court was sentenced by Pratt to twenty days' imprisonment and to have his name stricken from the roll of attorneys. It was a political issue. Chapman was assisted by his Portland friends to escape, was rearrested, and on application to Judge Nelson discharged on a writ of error. *32d Cong., 1st Sess., Misc. Doc. 9*, 3. See also case of Arthur Fayhie sentenced by Pratt for contempt, in which Nelson listened to a charge by Fayhie of misconduct in office on the part of Pratt, and discharged the prisoner by the advice of Strong.

[36] An example of the discourtesy used toward the federal officers was given when the governor was bereaved of his wife by an accident. Mrs Gaines was riding on the Clatsop plains, whither she had gone on an excursion, when her horse becoming frightened at a wagon she was thrown under the wheels, receiving injuries from which she died. The same paper which announced her death attacked the governor with unstinted abuse. Mrs Gaines was a daughter of Nicholas Kincaid of Versailles, Ky. Her mother was Priscilla McBride. She was born March 13, 1800, and married to Gaines June 22, 1819. *Or. Spectator*, Aug. 19, 1851. About fifteen months after his wife's death, Gaines married Margaret B. Wands, one of the five lady teachers sent to Oregon by Gov. Slade. *Or. Statesman*, Nov. 27, 1851.

[37] *Mrs M. E. Wilson* in *Or. Sketches*, MS., 19.

[38] Here is what one says of Oregon City society at the time: All was oddity. 'Clergymen so eccentric as to have been thrown over by the board on account of their queerness, had found their way hither, and fought their way among peculiar people, into positions of some kind. People were odd

In order to sustain his position with regard to the location act, Gaines appealed for an opinion to the attorney-general of the United States, who returned for an answer that the legislature had a right to locate the seat of government without the consent of the governor, but that the governor's concurrence was necessary to make legal the expenditure of the appropriations,[39] which reply left untouched the point raised by Gaines, that the act was invalid because it embraced more than one object. With regard to this matter the attorney-general was silent, and the quarrel stood as at the beginning, the governor refusing to recognize the law of the legislature as binding on him. His enemies ceased to deny the unconstitutionality of the law, admitting that it might prove void by reason of non-conformity to the organic act, but they contended that until this was shown to be true in a competent court, it was the law of the land; and to treat it as a nullity before it had been disapproved by congress, to which all the acts of the legislature must be submitted, was to establish a dangerous precedent, a principle striking at the foundation of all law and the public security.

Into this controversy the United States judges were necessarily drawn, the organic act requiring them to hold a term of court, annually, at the seat of government; any two of the three constituting a

in dress as well. Whenever one wished to appear well before his or her friends, they resurrected from old chests and trunks clothes made years ago. Now, as one costumer in one part of the world at one time, had made one dress, and another had made at another time another dress, an assembly in Oregon at this time presented to a new-comer, accustomed to only one fashion at once, a peculiar sight. Mrs Walker, wife of a missionary at Chimikane, near Fort Colville, having been 11 years from her clothed sisters, on coming to Oregon City was surprised to find her dresses as much in the fashion as any of the rest of them.' *Mrs Wilson, Or. Sketches*, MS., 16, 17. Another says of the missionary and pioneer families: 'One lady who had been living at Clatsop since 1846 had a parasol well preserved, at least 30 years old, with a folding handle and an ivory ring to slip over the folds when closed. Another lady had a bonnet and shawl of nearly the same age which she wore to church. All these articles were of good quality, and an evidence of past fashion and respectability.' Manners as well as clothes go out of mode, and much of the oddity Mrs Wilson discovered in an Oregon assembly in Gov. Gaines' time was only manners out of fashion.

[39] *Or. Spectator*, July 29, 1851; *Or. Statesman*, Aug. 5, 1851.

quorum.[40] On the first of December, the legislature-elect[41] convened at Salem, as the capital of Oregon, except one councilman, Columbia Lancaster, and four representatives, A. E. Wait, W. F. Matlock, and D. F. Brownfield. Therefore this small minority organized as the legislative assembly of Oregon, at the territorial library room in Oregon City, was qualified by Judge Strong, and continued to meet and adjourn for two weeks. Lancaster, the single councilman, spent this fortnight in making motions and seconding them himself, and preparing a memorial to congress in which he asked for an increase in the number of councilmen to fifteen; for the improvement of the Columbia River; for a bounty of one hundred and sixty acres of land to the volunteers in the Cayuse war; a pension to the widows and orphans of the men killed in the war; troops to be stationed at the several posts in the territory; protection to the immigration; ten thousand dollars to purchase a library for the university, and a military road to Puget Sound.[42]

About this time the supreme court met at Oregon City, Judges Nelson and Strong deciding to adopt

[40] *Or. Gen. Laws, 1845–1864*, 71.

[41] The council was composed of Matthew P. Deady, of Yamhill; J. M. Garrison, of Marion; A. L. Lovejoy, of Clackamas; Fred. Waymire, of Polk; W. B. Mealey, of Linn; Samuel Parker, of Clackamas and Marion; A. L. Humphrey, of Benton; Lawrence Hall, of Washington; Columbia Lancaster, of Lewis, Clark, and Vancouver counties. The house consisted of Geo. L. Curry, A. E. Wait, and W. T. Matlock, of Clackamas; Benj. Simpson, Wilie Chapman, and James Davidson, of Marion; J. C. Avery and Geo. E. Cole, of Benton; Luther White and William Allphin, of Linn; Ralph Wilcox, W. M. King, and J. C. Bishop, of Washington; A. J. Hembree, Samuel McSween, and R. C. Kinney, of Yamhill; Nat Ford and J. S. Holman of Polk; David M. Risdon, of Lane; J. W. Drew, of Umpqua; John A. Anderson and D. F. Brownfield of Clatsop and Pacific. *Or. Statesman*, July 4, 1851.

[42] In style Lancaster was something of a Munchausen. 'It is true,' he says in his memorial, which must indeed have astonished congress, 'that the Columbia River, like the principles of civil and religious equality, with wild and unconquerable fury has burst asunder the Cascade and Coast ranges of mountains, and shattered into fragments the basaltic formations,' etc. *32d Cong., 1st Sess., H. Misc. Doc. 14*, 1–5; *Or. Stateman*, Jan. 13, 1852. 'Basaltic formation' then became a sobriquet for the whig councilman among the Salem division of the legislature. The memorial was signed 'Columbia Lancaster, late president pro tem. of the council, and W. T. Matlock, late speaker pro tem. of the house of representatives.'

the governor's view of the seat-of-government question, while Pratt, siding with the main body of the legislature, repaired to Salem as the proper place to hold the annual session of the United States court. Thus a majority of the legislature convened at Salem as the seat of government, and a majority of the supreme court at Oregon City as the proper capital; and the division was likely to prove a serious bar to the legality of the proceedings of one or the other.[43] The majority of the people were on the side of the legislature, and ready to denounce the imported judges who had set themselves up in opposition to their representatives. Before the meeting of the legislative body the people on the north side of the Columbia had expressed their dissatisfaction with Strong for refusing to hold court at the place selected by the county commissioners, according to an act of the legislature requiring them to fix the place of holding court until the county seat should be established. The place selected was at the claim of Sidney Ford, on the Chehalis River, whereas the judge went to the house of John R. Jackson, twenty miles distant, and sent a peremptory order to the jurors to repair to the same place, which they refused to do, on the ground that they had been ordered in the manner of slave-driving, to which they objected as unbecoming a judge and insulting to themselves. A public meeting was held, at which it was decided that the conduct of the judge merited the investigation of the impeaching power.[44]

The proceedings of the meeting were published about the time of the convening of the assembly, and a correspondence followed, in which J. B. Chapman

[43] Francis Ermatinger being cited to appear in a case brought against him at Oregon City, objected to the hearing of the cause upon the ground that the law required a majority of the judges of the court to be present at the seat of government, which was at Salem. The chief justice said in substance: 'By the act of coming here we have virtually decided this question.' *Or. Spectator*, Dec. 2, 1851.

[44] The principal persons in the transactions of the indignation meeting were J. B. Chapman, M. T. Simmons, D. F. Brownfield, W. P. Dougherty, E. Sylvester, Thos. W. Glasgow, and James McAllister. *Or. Statesman*, Dec. 2, 1851.

exonerated Judge Strong, declaring that the sentiment of the meeting had been maliciously misrepresented; Strong replying that the explanation was satisfactory to him. But the *Statesman*, ever on the alert to pry into actions and motives, soon made it appear that the reconciliation had not been between the people and Strong, but that W. W. Chapman, who had been dismissed from the roll of attorneys in the second district, had himself written the letter and used means to procure his brother's signature with the object of being admitted to practice in the first district; the threefold purpose being gained of exculpating Strong, undoing the acts of Pratt, and replacing Chapman on the roll of attorneys.[45]

A majority of the legislative assembly having convened at Salem, that body organized by electing Samuel Parker president of the council, and Richard J. White, chief clerk, assisted by Chester N. Terry and Thomas B. Micou. In the house of representatives William M. King was elected speaker, and Benjamin F. Harding chief clerk. Having spent several days in making and adopting rules of procedure, on the 5th of December the representatives informed the council of their appointment of a committee, consisting of Cole, Anderson, Drew, White, and Chapman, to act in conjunction with a committee from the council, to draft resolutions concerning the course pursued by the federal officers.[46] The message of the representatives was laid on the table until the 8th. In the mean time Deady offered a resolution in the council that, in view of the action of Nelson and Strong, a memorial be sent to congress on the subject. Hall followed this resolution with another, that Hamilton, secretary of the territory, should be informed that the legislative assembly was organized at Salem, and that his services as secretary were required at the

[45] *Or. Statesman*, Feb. 3, 1852.
[46] *Or. Council, Jour.* 1851-2, 10.

place named, which was laid on the table. Finally, on the 9th, a committee from both houses to draft a memorial to congress was appointed, consisting of Curry, Anderson, and Avery, on the part of the representatives, and Garrison, Waymire, and Humphrey, on the part of the council.[47]

Pratt's opinion in the matter was then asked, which sustained the legislature as against the judges. Rector was then ordered to bring the territorial library from Oregon City to Salem on or before the first day of January 1852, which was not permitted by the federal officers.[48]

The legislators then passed an act re-arranging the judicial districts, and taking the counties of Linn, Marion, and Lane from the first and attaching them to the second district.[49] This action was justified by the *Statesman*, on the ground that Judge Nelson had proclaimed that he should decree all the legislation of the session held at Salem null. On the other hand the people of the three counties mentioned, excepting a small minority, held them to be valid; and it was better that Pratt should administer the laws peacefully than that Nelson should, by declaring them void, create disorder, and cause dissatisfaction. The latter was, therefore, left but one county, Clackamas, in which to administer justice. But the nullifiers, as the whig officials came now to be called, were not

[47] *Or. Council, Jour. 1851–2*, 12–13. This committee appears to have been intended to draft a memorial on general subjects, as the memorial concerning the interference of the governor and the condition of the judiciary was drawn by a different committee.

[48] The *Statesman* of July 3d remarked: 'The territorial library, the gift of congress to Oregon, became the property, to all intents and purposes, of the federal clique, who refused to allow the books to be removed to Salem, and occupied the library room daily with a librarian of the governor's appointing.' A full account of the affair was published in a little sheet called *Vox Populi*, printed at Salem, and devoted to legislative proceedings and the location question. The first number was issued on the 18th of December 1851. The standing advertisement at the head of the local column was as follows: 'The *Vox Populi* will be published and edited at Salem, O. T., during the session of the legislative assembly by an association of gentlemen.' This little paper contained a great deal that was personally disagreeable to the federal officers.

[49] *Deady's Hist. Or.*, MS., 27–8; *Strong's Hist. Or.*, MS., 62–3; *Grover's Pub. Life in Or.*, MS., 53.

without their friends. The *Oregonian*, which was the accredited organ of the federal clique, was loud in condemnation of the course pursued by the legislators, while the *Spectator*, which professed to be an independent paper, weakly supported Governor Gaines and Chief Justice Nelson. Even in the legislative body itself there was a certain minority who protested against the acts of the majority, not on the subject of the location act alone, or the change in the judicial districts, leaving the chief justice one county only for his district, but also on account of the memorial to congress, prepared by the joint committee from both houses, setting forth the condition of affairs in the territory, and asking that the people of Oregon might be permitted to elect their governor, secretary, and judges.

The memorial passed the assembly almost by acclamation, three members only voting against it, one of them protesting formally that it was a calumnious document. The people then took up the matter, public meetings being held in the different counties to approve or condemn the course of the legislature, a large majority expressing approbation of the assembly and censuring the whig judges. A bill was finally passed calling for a constitutional convention in the event of congress refusing to entertain their petition to permit Oregon to elect her governor and judges. This important business having been disposed of, the legislators addressed themselves to other matters. Lane was instructed to ask for an amendment to the land law; for an increase in the number of councilmen in proportion to the increase of representatives; to procure the immediate survey of Yaquina Bay and Umpqua River; to procure the auditing and payment of the Cayuse war accounts; to have the organic act amended so as to allow the county commissioners to locate the school lands in legal subdivisions or in fractions lying between claims, without reference to size or shape, where the sixteenth and thirty-sixth sec-

tions were already settled upon; to have the postal agent in Oregon[50] instructed to locate post-offices and establish mail routes, so as to facilitate correspondence with different portions of the territory, instead of aiming to increase the revenue of the general government; to endeavor to have the mail steamship contract complied with in the matter of leaving a mail at the mouth of the Umpqua River, and to procure the change of the port of entry on that river from Scottsburg to Umpqua City. Last of all, the delegate was requested to advise congress of the fact that the territorial secretary, Hamilton, refused to pay the legislators their dues; and that it was feared the money had been expended in some other manner.

Several new counties were created at this session, raising the whole number to sixteen. An act to create and organize Simmons out of a part of Lewis county was amended to make it Thurston county, and the eastern limits of Lewis were altered and defined.[51] Douglas was organized out of Umpqua county, leaving the latter on the coast, while the Umpqua Valley constituted Douglas. The county of Jackson was also created out of the southern portion of the former Umpqua county, comprising the valley of the Rogue River,[52] and it was thought the Shasta Valley. These two new countries were attached to Umpqua for judicial purposes, by which arrangement the Second Judicial district was made to extend from the Columbia River to the California boundary.[53]

[50] The postal agent was Nathaniel Coe, who was made the subject of invidious remark, being a presidential appointee.

[51] The boundaries are not given in the reports. They were subsequently changed when Washington was set off. See *Or. Local Laws, 1851-2*, 13-15, 30; *New Tacoma North Pacific Coast*, Dec. 15, 1879.

[52] A resolution was passed by the assembly that the surveyor-general be required to take measures to ascertain whether the town known as Shasta Butte City (Yreka) was in Oregon or not, and to publish the result of his observations in the *Statesman*. *Or. Council, Jour. 1851-2*, 53.

[53] The first term of the United States district court held at the new court-house in Cyntheann was in October 1851. At this term James McCabe, B. F. Harding, A. B. P. Wood, J. W. Nesmith, and W. G. T'Vault were admitted to practice in the Second Judicial district. McCabe was appointed prosecuting attorney, Holbrook having gone on a visit to the

The legislature provided for taking the census in order to apportion representatives, and authorized the county commissioners to locate the election districts; and to act as school commissioners to establish common schools. A board of three commissioners, Harrison Linnville, Sidney Ford, and Jesse Applegate, was appointed to select and locate two townships of land to aid in the establishment of a university, according to the provisions of the act of congress of September 27, 1850.

An act was passed, of which Waymire was the author, accepting the Oregon City claim according to the act of donation, and also creating the office of commissioner to control and sell the lands donated by congress for the endowment of a university; but it became of no effect through the failure of the assembly to appoint such an officer.[54] Deady was the author of an act exempting the wife's half of a donation claim from liability for the debts of the husband, which was passed, and which has saved the homesteads of many families from sheriff's sale.

Among the local laws were two incorporating the Oregon academy at Lafayette, and the first Methodist church at Salem.[55] In order to defeat the federal

States. J. W. Nesmith was appointed master and commissioner in chancery, and J. H. Lewis commissioner to take bail. Lewis, familiarly known as 'Uncle Jack,' came to Oregon in 1847 and settled on La Creole, on a farm, later the property of John M. Scott, on which a portion of the town of Dallas is located. Upon the resignation of H. M. Weller, county clerk, in August 1851, Lewis was appointed in his place, and subsequently elected to the office by the people. His name is closely connected with the history of the county and of Dallas. The first term of the district court held in any part of southern Oregon was at Yoncalla, in the autumn of 1852. *Gibbs' Notes*, MS., 15. The first courts in Jackson county about 1851-2 were held by justices of the peace called alcaldes, as in California. Rogers was the first, Abbott the second. It was not known at this time whether Rogue River Valley fell within the limits of California or Oregon, and the jurisdiction being doubtful the miners improvised a government. See *Popular Tribunals*, vol. i., this series; *Prim's Judicial Affairs*, MS., 7-10; *Jacksonville Dem. Times*, April 8, 1871; *Richardson's Mississippi*, 407; *Overland Monthly*, xii. 225-30. Pratt left Oregon in 1856 to reside in Cal. He had done substantial pioneer work on the bench, and owing to his conspicuous career he had been criticised—doubtless through partisan feeling.

[54] For act see *Or. Statesman*, Feb. 3, 1852.

[55] Trustees of Oregon academy: Ahio S. Watt, R. P. Boise, James McBride, A. J. Hembree, Edward Geary, James W. Nesmith, Matthew P. Deady, R.

officers in their effort to deprive the legislators of the use of the territorial library, an act was passed requiring a five thousand dollar bond to be given by the librarian, who was elected by the assembly.[56]

Besides the memorial concerning the governor and judges, another petition addressed to congress asked for better mail facilities with a post-office at each court-house in the several counties, and a mail route direct from San Francisco to Puget Sound, showing the increasing settlement of that region. It was asked that troops be stationed in the Rogue River Valley, and at points between Fort Hall and The Dalles for the protection of the immigration, which this year suffered several atrocities at the hands of the Indians on this portion of the route; that the pay of the revenue officers be increased;[57] and that an appropriation be made to continue the geological survey of Oregon already begun.

Having elected R. P. Boise district-attorney for the first and second judicial districts, and I. N. Ebey to the same office for the third district; reëlected Bush territorial printer, and J. D. Boon territorial treasurer,[58] the assembly adjourned on the 21st of January, to carry on the war against the federal officers in a different field.[59]

C. Kinney, and Joel Palmer. *Or. Local Laws, 1851-2*, 62-3. The Methodist church in Oregon City was incorporated in May 1850.

[56] Ludwell Rector was elected. The former librarian was a young man who came out with Gaines, and placed in that position by him while he held the clerkship of the surveyor-general's office, and also of the supreme court. *Or. Statesman*, Feb. 3, 1852.

[57] See memorial of J. A. Anderson of Clatsop County in *Or. Statesman*, Jan. 20, 1852.

[58] J. D. Boon was a Wesleyan Methodist preacher, a plain, unlearned man, honest and fervent, an immigrant of 1845. He was for many years a resident of Salem, and held the office of treasurer for several terms. *Deady's Scrap Book*, 87.

[59] There were in this legislature a few not heretofore specially mentioned. J. M. Garrison, one of the men of 1843, before spoken of, was born in Indiana in 1813, and was a farmer in Marion county. Wilie Chapman, also of Marion, was born in South Carolina in 1817, reared in Tenn., and came to Oregon in 1847. He kept a hotel at Salem. Luther White, of Linn, preacher and farmer, was born in 1797 in Ky, and immigrated to Oregon in 1847. A. J. Hembree, of the immigration of 1843, was born in Tenn. in 1813; was a merchant and farmer in Yamhill. James S. Holman, an immigrant of 1847,

From the adjournment of the legislative assembly great anxiety was felt as to the action of congress in the matter of the memorial. Meanwhile the newspaper war was waged with bitterness and no great attention to decency. Seldom was journalism more completely prostituted to party and personal issues than in Oregon at this time and for several years thereafter. Private character and personal idiosyncrasies were subjected to the most scathing ridicule.

With regard to the truth of the allegations brought against the unpopular officials, from the evidence before me, there is no doubt that the governor was vain and narrow-minded; though of course his enemies exaggerated his weak points, while covering his creditable ones,[60] and that to a degree his official errors could not justify, heaping ridicule upon his past military career, as well as blame upon his present gubernatorial acts,[61] and accusing him of everything dishonest,

was born in Tenn. in 1813; a farmer in Polk. David S. Risdon was born in Vt in 1823, came to Oregon in 1850; lawyer by profession. John A. Anderson was born in Ky in 1824, reared in north Miss., and came to Oregon in 1850; lawyer and clerk in the custom-house at Astoria. James Davidson, born in Ky in 1792; emigrated thence in 1847; housejoiner by occupation. George E. Cole, politician, born in New York in 1820; emigrated thence in 1850 by the way of California. He removed to Washington in 1858, and was sent as a delegate to congress; but afterward returned to Oregon, and held the office of postmaster at Portland from 1873 to 1881.

[60] *Applegate's Views of Hist.*, MS., 48. Gaines assaulted Bush in the street on two occasions; once for accidentally jostling him, and again for something said in the *Statesman*. See issues of Jan. 27th and June 29, 1852. A writer calling himself 'A Kentuckian' had attacked the governor's exercise of the pardoning power in the case of Enoch Smith, reminding his excellency that Kentucky, which produced the governor, produced also nearly all the murderers in Oregon, namely, Keen, Kendall, Turner, the two Evermans, and Smith. 'Common sense, sir,' said this correspondent, 'should teach you that the prestige of Kentucky origin will not sustain you in your mental imbecility; and that Kentucky aristocracy, devoid of sense and virtue, will not pass current in this intelligent market.' *Or. Statesman*, June 15, 1852.

[61] John P. Gaines was born in Augusta, Va, in September 1795, removing to Boone county, Ky, in early youth. He volunteered in the war of 1812, being in the battle of the Thames and several other engagements. He represented Boone county for several years in the legislature of Ky, and was subsequently sent to congress from 1847 to 1849. He was elected major of the Ky cavalry, and served in the Mexican war until taken prisoner at Encarnacion. After some months of captivity he escaped, and joining the army served to the end of the war. On his return from Mexico, Taylor appointed him governor of Oregon. When his term expired he retired upon a farm in Marion county, where he resided till his death in December 1857. *S. F. Alta*, Jan. 4, 1858.

from drawing his family stores from the quarter-master's department at Vancouver, to re-auditing and changing the values of the certificates of the commissioners appointed to audit the Cayuse war claims, and retaining the same to use for political purposes;[62] the truth being that these claims were used by both parties. Holbrook, the United States attorney, was charged with dishonesty and with influencing both the governor and judges, and denounced as being responsible for many of their acts;[63] a judgment to which subsequent events seemed to give color.

At the regular term, court was held in Marion county. Nelson repaired to Salem, and was met by a committee with offensive resolutions passed at a public meeting, and with other tokens of the spirit in which an attempt to defy the law of the territory, as passed at the last session, would be received.[64] Meantime the opposing parties had each had a hearing at

[62] *Or. Statesman*, Nov. 6, 1852; *Id.*, Feb. 26, 1853. Whether or not this was true, Lane procured an amendment to the former acts of congress in order to make up the deficiency said to have been occasioned by the alteration of the certificates. *Cong. Globe, 1852-3*, app. 341; *33d Cong., 1st Sess., H. Com. Rept. 122*, 4-5.

[63] *Memorial*, in *32d Cong., 1st Sess., H. Misc. Doc. 9*, 2; *Or. Statesman*, May 18, 1852.

[64] The ridicule, however, was not all on one side. There appeared in the *Oregonian*, and afterward in pamphlet form, with a dedication to the editors of *Vox Populi*, a satire written in dramatic verse, and styled a Melodrama, illustrated with rude wood-cuts, and showing considerable ability both for composition and burlesque. This publication, both on account of its political effect and because it was the first book written and published in Oregon of an original nature, deserves to be remembered. It contained 32 double-columned pages, divided into five acts. The persons satirized were Pratt, Deady, Lovejoy, King, Anderson, Avery, Waymire, Parker, Thornton, Willson, Bush, Backenstos, and Waterman of the Portland *Times*. The author was William L. Adams, an immigrant of 1848, a native of Painesville, Ohio, where he was born Feb. 1821. His parents removed to Michigan in 1834. In 1835 Adams entered college at Canton, Ill.; going afterward to Galesburg, supporting himself by teaching in the vacations. He finished his studies at Bethany College, Va, and became a convert to the renowned Alexander Campbell. In 1845 he married Olivia Goodell, a native of Maine, and settled in Henderson County, Ill., from which state he came to Oregon. He taught school in Yamhill county, and was elected probate judge. He was offered a press at Oregon City if he would establish a whig newspaper at that place, which he declined; but in 1858 he purchased the *Spectator* press and helped materially to found the present republican party of Oregon. He was rewarded with the collectorship at Astoria under Lincoln. *Portland West Shore*, May, 1876.

Washington. The legislative memorial and communications from the governor and secretary were spread before both houses of congress.[65] The same mail which conveyed the memorial conveyed a copy of the location act, the governor's message on the subject, the opinion of Attorney-General Crittenden, and the opinions of the district judges of Oregon. The president in order to put an end to the quarrel recommended congress to fix the seat of government of Oregon either temporarily or permanently, and to approve or disapprove the laws passed at Salem, in conformity to their decision[66] in favor of or against that place for the seat of government. To disapprove the action of the assembly would be to cause the nullification of many useful laws, and to create protracted confusion without ending the political feud. Accordingly congress confirmed the location and other laws passed at Salem, by a joint resolution, and the president signed it on the 4th of May.[67]

Thus far the legislative party was triumphant. The imported officials had been rebuked; the course of Governor Gaines had been commented on by many of the eastern papers in no flattering terms; and letters from their delegate led them to believe that congress might grant the amendments asked to the organic act, permitting them to elect their governor and judges. The house did indeed on the 22d of June pass a bill to amend,[68] but no action was taken upon it in the senate, though a motion was made to return it, with other unfinished business, at the close of the session, to the files of the senate.

The difference between the first Oregon delegate and the second was very apparent in the management

[65] *32d Cong., 1st Sess., S. Jour.*, 339; *Cong. Globe, 1851-2*, 451, 771; *32d Cong., 1st Sess., H. Misc. Doc. 10; 32d Cong., 1st Sess., H. Ex. Doc. 94*, 29.

[66] *32d Cong., 1st Sess., H. Ex. Doc. 94*, 1-2; and *Id., 96*, 1-8; *Location Law*, 1-39. The *Location Law* is a pamphlet publication containing the documents on this subject.

[67] *Cong. Globe, 1851-2*, 1199, 1209; *32d Cong., 1st Sess., S. Jour.*, 394; *Or. Statesman*, June 29, 1852; *Or. Gen. Laws, 1845-64*, 71.

[68] *32d Cong., 1st Sess., Cong. Globe, 1851-2*, 1594.

of this business. Had Thurston been charged by his party to procure the passage of this amendment, the journals of the house would have shown some bold and fiery assaults upon established rules, and proofs positive that the innovation was necessary to the peace and prosperity of the territory. On the contrary, Lane was betrayed by his loyalty to his personal friends into seeming to deny the allegations of his constituents against the judiciary.

The location question led to the regular organization of a democratic party in Oregon in the spring of 1852, forcing the whigs to nominate a ticket. The democrats carried the election; and soon after this triumph came the official information of the action of congress on the location law, when Gaines, with that want of tact which rendered abortive his administration, was no sooner officially informed of the confirmation of the laws of the legislative assembly and the settlement of the seat-of-government question than he issued a proclamation calling for a special session of the legislature to commence on the 26th of July. In obedience to the call, the newly elected members, many of whom were of the late legislative body, assembled at Salem, and organized by electing Deady president of the council, and Harding speaker of the house. With the same absence of discretion the governor in his message, after congratulating them on the settlement of a vexed question, informed the legislature that it was still a matter of grave doubt to what extent the location act had been confirmed; and that even had it been wholly and permanently established, it was still so defective as to require further legislation, for which purpose he had called them together, though conscious it was at a season of the year when to attend to this important duty would seriously interfere with their ordinary avocations; yet he hoped they would be willing to make any reasonable sacrifice for the general good. The defects in the location

act were pointed out, and they were reminded that no sites for the public buildings had yet been selected, and until that was done no contracts could be let for beginning the work; nor could any money be drawn from the sums appropriated until the commissioners were authorized by law to call for it. He also called their attention to the necessity of re-arranging the judicial districts, and reminded them of the incongruous condition of the laws, recommending the appointment of a board for their revision, with other suggestions, good enough in themselves, but distasteful as coming from him under the circumstances, and at an unusual and inconvenient time. In this mood the assembly adjourned *sine die* on the third day, without having transacted any legislative business, and the seat-of-government feud became quieted for a time.

This did not, however, end the battle. The chief justice refused to recognize the prosecuting attorney elected by the legislative assembly, in the absence of Amory Halbrook, and appointed S. B. Mayre, who acted in this capacity at the spring term of court in Clackamas county. The law of the territory requiring indictments to be signed by this officer, it was apprehended that on account of the irregular proceedings of the chief justice many indictments would be quashed. In this condition of affairs the democratic press was ardently advocating the election of Franklin Pierce, the party candidate for the presidency of the United States, as if the welfare of the territory depended upon the executive being a democrat. Although the remainder of Gaines' administration was more peaceful, he never became a favorite of either faction, and great was the rejoicing when at the close of his delegateship Lane was returned to Oregon as governor, to resign and run again for delegate, leaving his secretary, George L. Curry, one of the Salem clique, as the party leaders came to be denominated, to rule according to their promptings.

CHAPTER VI.

DISCOVERY OF GOLD IN OREGON.

1850-1852.

POLITICS AND PROSPECTING—IMMIGRATION—AN ERA OF DISCOVERY—EXPLORATIONS ON THE SOUTHERN OREGON SEABOARD—THE CALIFORNIA COMPANY—THE SCHOONER 'SAMUEL ROBERTS' AT THE MOUTHS OF ROGUE RIVER AND THE UMPQUA—MEETING WITH THE OREGON PARTY—LAYING-OUT OF LANDS AND TOWN SITES—FAILURE OF THE UMPQUA COMPANY—THE FINDING OF GOLD IN VARIOUS LOCALITIES—THE MAIL SERVICE—EFFORTS OF THURSTON IN CONGRESS—SETTLEMENT OF PORT ORFORD AND DISCOVERY OF COOS BAY—THE COLONY AT PORT ORFORD—INDIAN ATTACK—THE T'VAULT EXPEDITION—MASSACRE—GOVERNMENT ASSISTANCE.

WHILE politics occupied so much attention, the country was making long strides in material progress. The immigration of 1850 to the Pacific coast, by the overland route alone, amounted to between thirty and forty thousand persons, chiefly men. Through the exertions of the Oregon delegate, in and out of congress, about eight thousand were persuaded to settle in Oregon, where they arrived after undergoing more than the usual misfortunes. Among other things was cholera, from which several hundred died between the Missouri River and Fort Laramie.[1] The crowded condition of the road, which was one cause of the pestilence, occasioned delays with the consequent exhaustion of supplies.[2] The famine becoming known in Portland, assistance was forwarded to The Dalles

[1] *White*, in *Camp Fire Orations*, MS., 9-10; *Dowell's Journal*, MS., 5; *Johnson's Cal. and Or.*, 255; *Or. Spectator*, Sept. 26, 1850.

[2] Says one of the sufferers: 'I saw men who had been strong stout men walking along through the hot desert sands, crying like children with fatigue, hunger, and despair.' *Cardwell's Emig. Comp'y*, MS., 1.

military post, and thence carried forward and distributed by army officers and soldiers. Among the arrivals were many children, made orphans en route, and it was in the interest of these and like helpless ones that Frederick Waymire petitioned congress to amend the land law, as mentioned in the previous chapter. Those who came this year were bent on speculation more than any who had come before them; the gold fever had unsettled ideas of plodding industry and slow accumulation. Some came for pleasure and observation.[8]

Under the excitement of gold-seeking and the spirit of adventure awakened by it, all the great north-western seaboard was opened to settlement with marvellous rapidity. A rage for discovery and prospecting possessed the people, and produced in a short time marked results. From the Klamath River to Puget Sound, and from the upper Columbia to the sea, men were spying out mineral wealth or laying plans to profit by the operations of those who preferred the risks of the gold-fields to other and more settled pursuits. In the spring of 1850 an association of seventy persons was formed in San Francisco to discover the mouth of Klamath River, believed at the

[8] Among those who took the route to the Columbia River was Henry J. Coke, an English gentleman travelling for pleasure. He arrived at Vancouver Oct. 22, 1850, and after a brief look at Oregon City sailed in the *Mary Dare* for the Islands, visiting San Francisco in Feb. 1851, thence proceeding to Mexico and Vera Cruz, and by the way of St Thomas back to England, all without appearing to see much, though he wrote a book called *Coke's Ride.* Two Frenchmen, Julius Brenchly and Jules Remy, were much interested in the Mormons, and wrote a book of not much value. *Remy and Brenchly*, ii. 507–8.

F. G. Hearn started from Kentucky intending to settle in Oregon, but seized by cholera was kept at Fort Laramie till the following year, when with a party of six he came on to the Willamette Valley, and finally took up his residence at Yreka, California. *Hearn's California Sketches*, MS., is a collection of observations on the border country between California and Oregon.

Two Irishmen, Kelly and Conway, crossed the continent this year with no other supplies than they carried in their haversacks, depending on their rifles for food. They were only three months in travelling from Kansas to the Sacramento Valley, which they entered before going to Oregon. *Quigley's Irish Race*, 216–17. During Aug. and Sept. of this year Oregon was visited by the French traveller Saint Amant, who made some unimportant notes for the French government. Certain of his observations were apocryphal. See *Saint Amant*, 139–391.

time, owing to an error of Fremont's, to be in Oregon. The object was wholly speculative, and included besides hunting for gold the opening of a road to the mines of northern California, the founding of towns at the most favorable points on the route, with other enterprises. In May thirty-five of the shareholders, and some others, set out in the schooner *Samuel Roberts* to explore the coast near the Oregon boundary. None of them were accustomed to hardships, and not more than three knew anything about sailing a ship. Lyman, the captain and owner, was not a sailor, but left the management of the vessel to Peter Mackie, a young Canadian who understood his business, and who subsequently for many years sailed a steamship between San Francisco and Portland. Lyman's second mate was an Englishman named Samuel E. Smith, also a fair seaman; while the rest of the crew were volunteers from among the schooner's company.

The expedition was furnished with a four-pound carronade and small arms. For shot they brought half a ton of nails, screws, hinges, and other bits of iron gathered from the ashes of a burned hardware store. Provisions were abundant, and two surveyors, with their instruments, were among the company,[4] which boasted several college graduates and men of parts.[5]

By good fortune, rather than by any knowledge or superior management, the schooner passed safely up the coast as far as the mouth of Rogue River, but without having seen the entrance to the Klamath, which they looked for north of its right latitude. A

[4] These were Nathan Schofield, A. M., author of a work on surveying, and Socrates Schofield his son, both from near Norwich, Connecticut. Schofield Creek in Douglas county is named after the latter.

[5] Besides the Schofields there were in the exploring company Heman Winchester, and brother, editor of the *Pacific News* of San Francisco; Dr Henry Payne, of New York; Dr E. R. Fiske, of Massachusetts; S. S. Mann, a graduate of Harvard University; Dr J. W. Drew, of New Hampshire; Barney, of New York; Woodbury, of Connecticut; C. T. Hopkins, of San Francisco; Henry H. Woodward, Patrick Flanagan, Anthony Ten Eyck, A. G. Able, James K. Kelly, afterward a leading man in Oregon politics; Dean, Tierman, Evans, and Knight, whose names have been preserved.

boat with six men sent to examine the entrance was overturned in the river and two were drowned, the others being rescued by Indians who pulled them ashore to strip them of their clothing. The schooner meantime was following in, and by the aid of glasses it was discovered that the shore was populous with excited savages running hither and thither with such display of ferocity as would have deterred the vessel from entering had not those on board determined to rescue their comrades at any hazard. It was high tide, and by much manœuvring the schooner was run over the bar in a fathom and a half of water. The shout of relief as they entered the river was answered by yells from the shore, where could be seen the survivors of the boat's crew, naked and half dead with cold and exhaustion, being freely handled by their captors. As soon as the vessel was well inside, two hundred natives appeared and crowded on board, the explorers being unable to prevent them. The best they could do was to feign indifference and trade the old iron for peltries. When the natives had nothing left to exchange for coveted articles, they exhibited an ingenuity as thieves that would have done credit to a London pickpocket. Says one of the company: "Some grabbed the cook's towels, one bit a hole in the shirt of one of our men to get at some beads he had deposited there, and so slyly, too, that the latter did not perceive his loss at the time. One fellow stole the eye-glass of the ship's quadrant, and another made way with the surveyor's note-book. Some started the schooner's copper with their teeth; and had actually made some progress in stripping her as she lay high and dry at low water, before they were found out. One enterprising genius undertook to get possession of the chain and anchor by sawing off the former under water with his iron knife! Conscious of guilt, and fearing lest we might discover the mischief he intended us, he would now and then throw a furtive glance toward the bow of the vessel, to the

great amusement of those who were watching him through the hawse pipes."

An examination more laborious than profitable was made of the country thereabout, which seemed to offer no inducements to enterprise sufficient to warrant the founding of a settlement for any purpose. Upon consultation it was decided to continue the voyage as far north as the Umpqua River, and having dispersed the tenacious thieves of Rogue River by firing among them a quantity of their miscellaneous ammunition, the schooner succeeded in getting to sea again without accident.

Proceeding up the coast, the entrance to Coos Bay was sighted, but the vessel being becalmed could not enter. While awaiting wind, a canoe approached from the north, containing Umpquas, who offered to show the entrance to their river, which was made the 5th of August. Two of the party went ashore in the canoe, returning at nightfall with reports that caused the carronade to belch forth a salute to the rocks and woods, heightened by the roar of a simultaneous discharge of small arms. A flag made on the voyage was run up the mast, and all was hilarity on board the *Samuel Roberts*. On the 6th, the schooner crossed the bar, being the first vessel known to have entered the river in safety. On rounding into the cove called Winchester Bay, after one of the explorers, they came upon a party of Oregonians; Jesse Applegate, Levi Scott, and Joseph Sloan, who were themselves exploring the valley of the Umpqua with a purpose similar to their own.[6] A boat was sent ashore and a joyful meeting took place in which mutual encouragement and assistance were promised. It was found that Scott had already taken a claim about twenty-six miles up the river at the place which now bears the name of Scottsburg, and that the party had come down to the mouth in the expectation of meeting

[6] *Or. Spectator*, March 7 and Sept. 12, 1850. See also *Pioneer Mag.*, i. 282, 350.

there the United States surveying schooner *Ewing*, in the hope of obtaining a good report of the harbor. But on learning the designs of the California company, a hearty coöperation was offered on one part, and willingly accepted on the other. Another circumstance in favor of the Umpqua for settlement was the peaceable disposition of the natives, who since the days when they murdered Jedediah Smith's party had been brought under the pacifying influences of the Hudson's Bay Company, and sustained a good reputation as compared with the other coast tribes.

On the morning of the 7th the schooner proceeded up the river, keeping the channel by sounding from a small boat in advance, and finding it one of the loveliest of streams;[7] at least, so thought the explorers, one of whom afterward became its historian.[8] Finding a good depth of water, with the tide, for a distance of eighteen miles, the boat's crew became negligent, and failing to note a gravelly bar at the foot of a bluff a thousand feet in height the schooner grounded in eight feet of water, and when the tide ebbed was left stranded.[9]

However, the small boat proceeded to the foot of the rapids, where Scott was located, this being the head of tide-water, and the vessel was afterward brought safely hither. In consideration of their services in

[7] It is the largest river between the Sacramento and the Columbia. 'Vessels of 800 tons can enter.' *Mrs Victor*, in *Pac. Rural Press*, Nov. 8, 1879. 'The Umpqua is sometimes supposed to be the river discovered by Flores in 1603, and afterwards referred to as the "River of the West."' *Davidson's Coast Pilot*, 126.

[8] This was Charles T. Hopkins, who wrote an account of the Umpqua adventure for the *S. F. Pioneer*, vol. i. ii., a periodical published in the early days of California magazine literature. I have drawn my account partly from this source, as well as from *Gibbs' Notes on Or. Hist.*, MS., 2–3, and from *Historical Correspondence*, MS., by S. S. Mann, S. F. Chadwick, H. H. Woodward, members of the Umpqua company, and also from other sources, among which are *Williams' S. W. Oregon*, MS., 2–3.; Letters of D. J. Lyons, and the *Oregon Spectator*, Sept. 5, 1850; *Deady's Scrap-Book*, 83; *S. F. Evening Picayune*, Sept. 6, 1850.

[9] Gibbs says: 'The passengers endeavored to lighten the cargo by pouring the vessel's store of liquors down their throats, from which hilarious proceeding the shoal took the name of Brandy Bar.' *Notes*, MS., 4.

opening the river to navigation and commerce, Scott presented the company with one hundred and sixty acres of his land-claim, or that portion lying below the rapids, for a town site. Affairs having progressed so well the members of the expedition now organized regularly into a joint stock association called the "Umpqua Town-site and Colonization Land Company," the property to be divided into shares and drawn by lot among the original members. They divided their forces, and aided by Applegate and Scott proceeded to survey and explore to and through the Umpqua Valley. One party set out for the ferry on the north branch of the Umpqua, and another for the main valley,[10] coming out at Applegate's settlement of Yoncalla, while a third remained with the schooner. Three weeks of industrious search enabled them to select four sites for future settlements. One at the mouth of the river was named Umpqua City, and contained twelve hundred and eighty acres, being situated on both sides of the entrance. The second location was Scottsburg. The third, called Elkton, was situated on Elk River at its junction with the Umpqua. The fourth, at the ferry above mentioned, was named Winchester, and was purchased by the company from the original claimant, John Aiken, who had a valuable property at that place, the natural centre of the valley.

Having made these selections according to the best judgment of the surveyors, some of the company remained, while the rest reëmbarked and returned to San Francisco. In October the company having sold quite a number of lots were able to begin operations in Oregon. They despatched the brig *Kate Heath*, Captain Thomas Wood, with milling machinery, merchandise, and seventy-five emigrants. On this vessel were also a number of zinc houses made in Boston,

[10] Oakland, a few miles south of Yoncalla, was laid out in 1849 by Chester Lyman, since a professor at Yale College. This is the oldest surveyed town in the Umpqua Valley. *Or. Sketches*, MS., 3.

which were put up on the site of Umpqua City. In charge of the company's business was Addison C. Gibbs, afterward governor of Oregon, who was on his way to the territory when he fell in with the projectors of the scheme, and accepted a position and shares.[11]

Thus far all went well. But the Umpqua Company were destined to bear some of those misfortunes which usually attend like enterprises. The passage of the Oregon land law in September was the first blow, framed as it was to prevent companies or non-residents from holding lands for speculative purposes, in consequence of which no patent could issue to the company, and it could give no title to the lands it was offering for sale. They might, unrebuked, have carried on a trade begun in timber; but the loss of one vessel loaded with piles, and the ruinous detention of another, together with a fall of fifty per cent in the price of their cargoes, soon left the contractors in debt, and an assignment was the result, an event hastened by the failure of the firm in San Francisco with which the company had deposited its funds. Five months after the return of the *Samuel Roberts* to San Francisco, not one of those who sailed from the river in her was in any manner connected with the Umpqua scheme. The company in California having ceased to furnish means, those left in Oregon were compelled to direct their efforts toward solving the problem of how to live.[12]

[11] D. C. Underwood, who had become a member of the association, was a passenger on the *Kate Heath*, a man well known in business and political circles in the state.

[12] Drew remained at Umpqua City, where he was subsequently Indian agent for many years, and where he held the office of collector of customs and subsequently of inspector. He was unmarried. *Marysville Appeal*, Jan. 20, 1864. Winchester remained in Oregon, residing at Scottsburg, then at Roseburg and Empire City. He was a lawyer, and a favorite with the bar of the Second Judicial district. 'He was generous in dealing, liberal in thought, of entire truth, and absolutely incorruptible.' *Salem Mercury*, Nov. 10, 1876. Gibbs took a land claim seven miles above the mouth of the Umpqua, laying out the town of Gardiner, and residing there for several years, during which time he returned to the east and married Margaret M. Watkins, of Erie county, N. Y. Addison Crandall Gibbs, afterward governor of Oregon, was born at East Otto, Cattaraugus county, N. Y., July 9, 1825, and educated at the New York State Normal school. He became a teacher, and studied law,

But although the Umpqua Company failed to carry out its designs, it had greatly benefited southern Oregon by surveying and mapping Umpqua harbor, the notes of the survey being published, with a report of their explorations and discoveries of rich agricultural lands, abundant and excellent timber, valuable water-power, coal and gold mines, fisheries and stone-

being admitted to the bar in May 1849 at Albany. He is descended from a long line of lawyers in England; his great grandfather was a commissioned officer in the revolutionary war. In Oregon he acted well his part of pioneer, carrying the mail in person, or by deputy, from Yoncalla to Scottsburg for a period of four years through the floods and storms of the wild coast mountains, never missing a trip. He was elected to the legislature of 1851–2. When Gardiner was made a port of entry, Gibbs became collector of customs for the southern district of Oregon. He afterward removed to the Umpqua Valley, and in 1858 to Portland, where he continued the practice of law. He was ever a true friend of Oregon, taking a great personal interest in her development and an intelligent pride in her history. He has spared no pains in giving me information, which is embodied in a manuscript entitled. *Notes on the History of Oregon.*

Stephen Fowler Chadwick, a native of Connecticut, studied law in New York, where he was admitted to practice in 1850, immediately after which he set out for the Pacific coast, joining the Umpqua Company and arriving in Oregon just in time to be left a stranded speculator on the beautiful but lonely bank of that picturesque river. When the settlement of the valley increased he practised his profession with honor and profit, being elected county and probate judge, and also to represent Douglas county in the convention which framed the state constitution. He was presidential elector in 1864 and 1868, being the messenger to carry the vote to Washington in the latter year. He was elected secretary of state in 1870, which office he held for eight years, becoming governor for the last two years by the resignation of Grover, who was elected to the U. S. senate. Governor Chadwick was also a distinguished member of the order of freemasons, having been grand master in the lodge of Perfection, and having received the 33d degree in the Scotch rite, as well as having been for 17 years chairman of the committee on foreign correspondence for the grand lodge of Oregon, and a favorite orator of the order. He married in 1856 Jane A. Smith of Douglas county, a native of Virginia, by whom he has two daughters and two sons. Of a lively and amiable temper and courteous manner, he has always enjoyed a popularity independent of official eminence. His contributions to this history consist of letters and a brief statement of the *Public Records of the Capitol* in manuscript. I shall never forget his kindness to me during my visit to Oregon in 1878. James K. Kelly was born in Center county, Penn., in 1819, educated at Princeton college, N. J., and studied law at Carlisle law school, graduating in 1842, and practising in Lewiston, Penn., until 1849, when he started for California by way of Mexico. Not finding mining to his taste, he embarked his fortunes in the Umpqua Company. He went to Oregon City and soon came into notice. He was appointed code commissioner in 1853, as I have elsewhere mentioned, and was in the same year elected to the council, of which he was a member for four years and president for two sessions. As a military man he figured conspicuously in the Indian wars. He was a member of the constitutional convention in 1857, and of the state senate in 1860. In 1870 he was sent to the U. S. senate, and in 1878 was appointed chief justice of the supreme court. His political career will be more particularly noticed in the progress of this history.

quarries. These accounts brought population to that part of the coast, and soon vessels began to ply between San Francisco and Scottsburg. Gardiner, named after the captain of the *Bostonian*, which was wrecked in trying to enter the river in 1850, sprang up in 1851. In that year also a trail was constructed for pack-animals across the mountains to Winchester,[13] which became the county seat of Douglas county, with a United States land office. From Winchester the route was extended to the mines in the Umpqua and Rogue River valleys. Long trains of mules laden with goods for the mining region filed daily along the precipitous path which was dignified with the name of road, their tinkling bells striking cheerily the ear of the lonely traveller plodding his weary way to the gold-fields. Scottsburg, which was the point of departure for the pack-trains, became a commercial entrepôt of importance.[14] The influence of the Umpqua interest was sufficient to obtain from congress at the session of 1850–51 appropriations for mail service by sea and land, a light-house at the mouth of the river, and a separate collection district.[15]

As the mines were opened permanent settlements were made upon the farming lands of southern Oregon, and various small towns were started from 1851 to

[13] Winchester was laid out by Addison C. Flint, who was in Chile in 1845, to assist in the preliminary survey of the railroad subsequently built by the infamous Harry Meigs. In 1849 Flint came to California, and the following year to Oregon to make surveys for the Umpqua Company. He also laid out the town of Roseburg in 1854 for Aaron Rose, where he took up his residence in 1857. *Or. Sketches*, MS., 2–4.

[14] Allan, McKinlay, and McTavish of the Hudson's Bay Company opened a trading-house at Scottsburg; and Jesse Applegate also turned merchant. Applegate's manner of doing business is described by himself in Burnett's *Recollections of a Pioneer:* 'I sold goods on credit to those who needed them most, not to those who were able to pay, lost $30,000, and quit the business.'

[15] The steamers carrying the mails from Panamá to the Columbia River were under contract to stop at the Umpqua, and one entry was made, but the steamer was so nearly wrecked that no further attempt followed. The merchants and others at Scottsburg and the lower towns, as well as at Winchester, had to wait for their letters and papers to go to Portland and be sent up the valley by the bi-monthly mail to Yoncalla, a delay which was severely felt and impatiently resented. The legislature did not fail to represent the matter to congress, and Thurston did all he could to satisfy his constituents, though he could not compel the steamship company to keep its contract or congress to annul it.

1853 in the region south of Winchester,[16] notably the town of Roseburg, founded by Aaron Rose,[17] who purchased the claim from its locators for a horse, and a poor one at that. A flouring mill was put in operation in the northern part of Umpqua Valley, and another erected during the summer of 1851 at Winchester.[18] A saw-mill soon followed in the Rogue River Valley,[19] many of which improvements were traceable, more or less directly, to the impetus given to settlement by the Umpqua Company.

In passing back and forth to California, the Oregon miners had not failed to observe that the same soil and geological structure characterized the valleys north of the supposed[20] northern boundary of California that

[16] The first house in Rogue River Valley was built at the ferry on Rogue River established by Joel Perkins. The place was first known as Perkins' Ferry, then Long's Ferry, and lastly as Vannoy's. The next settlement was at the mouth of Evans creek, a tributary of Rogue River, so called from a trader named Davis Evans, a somewhat bad character, who located there. The third was the claim of one Bills, also of doubtful repute. Then came the farm of N. C. Dean at Willow Springs, five miles north of Jacksonville, and near it the claim of A. A. Skinner, who built a house in the autumn of 1851. South of Skinner's, on the road to Yreka, was the place of Stone and Points on Wagner creek, and beyond, toward the head of the valley, those of Dunn, Smith, Russell, Barron, and a few others. *Duncan's Settlement*, MS., 5–6. The author of this work, L. J. C. Duncan, was born in Tennessee in 1818. He came to California in 1849, and worked in the Mariposa mines until the autumn of 1850, when, becoming ill, he came to Oregon for a change of climate and more settled society. In the autumn of 1851 he determined to try mining in the Shasta Valley, and also to secure a land claim in the Rogue River Valley. This he did, locating on Bear or Stuart creek, 12 miles south-east of Jacksonville, where he resided from 1851 to 1858, during which time he mined on Jackson's creek. He shared in the Indian wars which troubled the settlements for a number of years, finally establishing himself in Jacksonville in the practice of the law, and being elected to the office of judge.

[17] *Deady's Hist. Or.*, MS., 72–3.

[18] *Or. Spectator*, Feb. 10, 1852.

[19] J. A. Cardwell was born in Tennessee in 1827, emigrated from Iowa to Oregon in 1850, spent the first winter in the service of Quartermaster Ingalls at Fort Vancouver, and started in the spring for California with 26 others to engage in mining. After a skirmish with the Rogue River Indians and various other adventures they reached the mines at Yreka, where they worked until the dry season forced a suspension of operations, when Cardwell, with E. Emery, J. Emery, and David Hurley, went to the present site of Ashland in the Rogue River Valley, and taking up a claim erected the first saw-mill in that region early in 1852. I have derived much valuable information from Mr Cardwell concerning southern Oregon history, which is contained in a manuscript entitled *Emigrant Company*, in Mr Cardwell's own hand, of the incidents of the immigration of 1850, the settlement of the Rogue River Valley, and the Indian wars which followed.

[20] As late as 1854 the boundary was still in doubt. 'Intelligence has just

were found in the known mining regions, and prospecting was carried on to a considerable extent early in 1850. In June two hundred miners were at work in the Umpqua Valley.[21] But little gold was found at this time, and the movement was southward, to Rogue River and Klamath. According to the best authorities the first discovery on any of the tributaries of the Klamath was in the spring of 1850 at Salmon Creek. In July discoveries were made on the main Klamath, ten miles above the mouth of Trinity River, and in September on Scott River. In the spring of 1851 gold was found in the Shasta Valley,[22] at various places,

been received from the surveying party under T. P. Robinson, county surveyor, who was commissioned by the governor to survey the boundary line between California and Oregon. The party were met on the mountains by several gentlemen of this city, whose statement can be relied on, when they were informed by some of the gentlemen attached to the expedition, that the disputed territory belonged to Oregon, and not California, as was generally supposed. This territory includes two of the finest districts in the country, Sailor's Diggings and Althouse Creek, besides some other minor places not of much importance to either. The announcement has caused some excitement in that neighborhood, as the miners do not like to be so suddenly transported from California to Oregon. They have heretofore voted both in California and Oregon, although in the former state it has caused several contested election cases, and refused to pay taxes to either. It is also rumored around the city, for which we will not vouch, that Yreka is in Oregon. But we hardly think it possible, from the observations heretofore taken by scientific men, which brings Yreka 15 miles within the line.' *Cresent City Herald*, in *D. Alta Cala.*, June 28, 1854.

[21] *S. F. Courier*, July 10, 1850.

[22] In the early summer of 1850 Gen. Lane, with a small party of Oregonians, viz. John Kelly, Thomas Brown, Martin Angell, Samuel and John Simondson, and Lane's Indian servant, made a discovery on the Shasta river near where the town of Yreka was afterward built. The Indians proving troublesome the party removed to the diggings on the upper Sacramento, but not finding gold as plentiful as expected set out to prospect on Pit River, from which place they were driven by the Indians back to the Sacramento where they wintered, going in February 1851 to Scott River, from which locality Lane was recalled to the Willamette Valley to run for the office of delegate to congress. Speaking of the Pit river tribe, Lane says: 'The Pit River Indians were great thieves and murderers. They actually stole the blankets off the men in our camp, though I kept one man on guard all the time. They stole our best horse, tied at the head of my bed, which consisted of a blanket spread on the ground, with my saddle for a pillow. They sent an arrow into a miner because he happened to be rolled in his blanket so that they could not pull it from him. They caught Driscoll when out prospecting, and were hurrying him off into the mountains when my Indian boy gave the alarm and I went to his rescue. He was so frightened he could neither move nor speak, which condition of their captive impeded their progress. When I appeared he fell down in a swoon. I pointed my gun, which rested on my six-shooter, and ordered the Indians to leave. While they hesitated and were trying to flank me my Indian boy brought the canoe alongside the shore, on seeing

notably on Greenhorn Creek, Yreka, and Humbug Creek.

The Oregon miners were by this time satisfied that gold existed north of the Siskiyou range. Their explorations resulted in finding the metal on Big Bar of Rogue River, and in the cañon of Josephine Creek. Meanwhile the beautiful and richly grassed valley of Rogue River became the paradise of packers, who grazed their mules there, returning to Scottsburg or the Willamette for a fresh cargo. In February 1852 one Sykes who worked on the place of A. A. Skinner found gold on Jackson Creek, about on the west line of the present town of Jacksonville, and soon after two packers, Cluggage and Pool, occupying themselves with prospecting while their animals were feeding, discovered Rich Gulch, half a mile north of Sykes' discovery. The wealth of these mines[23] led to an irruption from the California side of the Siskiyou, and Willow Springs five miles north of Jacksonville, Pleasant Creek, Applegate Creek, and many other localities became deservedly famous, yielding well for a number of years.

Every miner, settler, and trader in this remote interior region was anxious to hear from friends, home, and of the great commercial world without. As I have before said Thurston labored earnestly to show congress the necessity of better mail facilities for Oregon,[24] the benefit intended to have been conferred

which they beat a hasty retreat thinking I was about to be reënforced. Driscoll would never cross to the east side of the river after his adventure.' *Lane's Autobiography*, MS., 104–5.

[23] *Early Affairs*, MS., 10; *Duncan's Southern Or.*, MS., 5–6; *Dowell's Scrap-book*, 31; *Victor's Or.*, 334. A nugget was found in the Rogue River diggings weighing $800 and another $1300. See accounts in *S. F. Alta*, Sept. 14, 1852; *S. F. Pac. News*, March 14, 1851; and *S. F. Herald*, Sept. 28, 1851.

[24] In October 1845 the postmaster-general advertised for proposals to carry the United States mail from New York by Habana to the Chagre River and back; with joint or separate offers to extend the transportation to Panamá and up the Pacific to the mouth of the Columbia, and thence to the Hawaiian Islands, the senate recommending a mail route to Oregon. Between 1846 and 1848 the government thought of the plan of encouraging by subsidies the

having been diverted almost entirely to California by the exigencies of the larger population and business of that state with its phenomenal growth.

The postal agent appointed at San Francisco for the Pacific coast discharged his duty by appointing postmasters,[25] but further than sending the mails to Oregon on sailing vessels occasionally he did nothing for the relief of the territory.[26] Not a mail steamer appeared on the Columbia in 1849. Thurston wrote home in December that he had been hunting up the documents relating to the Pacific mail service, and the reason why the steamers did not come to Astoria. The result of his search was the discovery that the then late secretary of the navy had agreed with Aspinwall that if he should send the Oregon mail and take the same, once a month, by sailing vessel, "at or near the mouth of the Klamath River," and would touch at San Francisco, Monterey, and San Diego free of cost to the government, he should not be required to run steamers to Oregon till after receiving six months' notice.[27]

Here were good faith and intelligence indeed! The

establishment of a line of steamers between Panamá and Oregon, by way of some port in California. At length Howland and Aspinwall agreed to carry the mails once a month, and to put on a line of three steamers of from 1,000 to 1,200 tons, giving cabin accommodations for about 25 passengers, as many it was thought as would probably go at one time, the remainder of the vessel being devoted to freight. *Crosby's Statement*, MS., 3. Three steamers were constructed under a contract with the secretary of the navy, viz.: the *California*, 1,400 tons, with a single engine of 250 horse-power, handsomely finished and carrying 46 cabin and a hundred steerage passengers; the *Panamá* of 1,100 tons, and the *Oregon* of 1,200 tons, similarly built and furnished. *32d Cong., 1st Sess., S. Doc. 50; Hon. Polynesian*, April 7, 1849; *Otis' Panamá R. R.* The *California* left port in the autumn of 1848, arriving at Valparaiso on the 20th of December, seventy-four days from New York, proceeding thence to Callao and Panamá, where passengers from New York to Habana and Chagre were awaiting her, and reaching San Francisco on the 28th of February 1849, where she was received with great enthusiasm. She brought on this first trip over 12,000 letters. *S. F. Alta California* in *Polynesian*, April 14, 1849. See also *Hist. Cal.* and *Cal. Inter Pocula*, this series.

[25] John Adair at Astoria, F. Smith at Portland, George L. Curry at Oregon City, and J. B. McClane, at Salem. J. C. Avery was postmaster at Corvallis, Jesse Applegate at Yoncalla, S. F. Chadwick at Scottsburg.

[26] *Or. Spectator*, Nov. 29, 1849; *Rept. of Gen. Smith*, in *31st Cong., 1st Sess., S. Doc. 47*, 107.

[27] *Or. Spectator*, April 18, 1850.

then undiscovered mouth of the Klamath River for a distributing point for the Oregon mail! Thurston with characteristic energy soon procured the promise of the secretary that the notice should be immediately given, and that after June 1850 mail steamers should go "not only to Nisqually, but to Astoria."[28] The postmaster-general also recommended the reduction of the postage to California and Oregon to take effect by the end of June 1851.[29]

At length in June 1850 the steamship *Carolina*, Captain R. L. Whiting, made her first trip to Portland with mails and passengers.[30] She was withdrawn in August and placed on the Panamá route in order to complete the semi-monthly communication called for between that port and San Francisco. On the 1st of September the *California* arrived at Astoria and departed the same day, having lost three days in a heavy fog off the bar. On the 27th the *Panamá* arrived at Astoria, and two days later the *Seagull*,[31] a steam propeller. On the 24th of October the *Oregon* brought up the mail for the first time, and was an object of much interest on account of her name.[32] There was no regularity in arrivals or departures until the coming from New York of the *Columbia*,

[28] This quotation refers to an effort on the part of certain persons to make Nisqually the point of distribution of the mails. The proposition was sustained by Wilkes and Sir George Simpson. 'If they get ahead of me,' said Thurston in his letter, 'they will rise early and work late.'

[29] *31st Cong., 2d Sess., H. Ex. Doc. 1*, 408, 410. This favor also was chiefly the result of the representations of the Oregon delegate. A single letter from Oregon to the States cost 40 cents; from California 12½ cents, before the reduction which made the postage uniform for the Pacific coast and fixed it at six cents a single sheet, or double the rate in the Atlantic states. *Or. Statesman*, May 9, 1851.

[30] *McCracken's Early Steamboating*, MS., 7; *Salem Directory, 1874*, 95; *Portland Oregonian*, Jan. 13, 1872. There was an incongruity in the law establishing the mail service, which provided for a semi-monthly mail to the river Chagre, but only a monthly mail from Panamá up the coast. *Rept. of P. M. Gen.*, in *31st Cong., 2d Sess., H. Ex. Doc. 1*, 410; *Or. Spectator*, Aug. 8, 1850.

[31] The *Seagull* was wrecked on the Humboldt bar on her passage to Oregon, Feb. 26, 1852. *Or. Statesman*, March 2, 1852.

[32] *Or. Spectator*, Oct. 31, 1850. The *Oregon* was transformed into a sailing vessel after many years of service, and was finally sunk in the strait of Juan de Fuca by collision with the bark *Germania* in 1880. Her commander when she first came to Oregon was Lieut. Charles P. Patterson of the navy.

brought out by Lieutenant G. W. Totten of the navy, in March 1851, and afterward commanded by William Dall.[33]

The *Columbia* supplied a great deficiency in communication with California and the east, though Oregon was still forced to be content with a monthly mail, while California had one twice a month. The postmaster-general's direction that Astoria should be made a distributing office was a blunder that the delegate failed to rectify. Owing to the lack of navigation by steamers on the rivers, Astoria was but a remove nearer than San Francisco, and while not quite so inaccessible as the mouth of the Klamath, was nearly so. When the post-routes were advertised, no bids were offered for the Astoria route, and when the mail for the interior was left at that place a special effort must be made to bring it to Portland.[34]

Troubled by reason of this isolation, the people of Oregon had asked over and over for increased mail facilities, and as one of the ways of obtaining them, and also of increasing their commercial opportunities, had prayed congress to order a survey of the coast, its bays and river entrances. Almost immediately

[33] 'The *Columbia* was commenced in New York by a man named Hunt, who lived in Astoria, under an agreement with Coffin, Lownsdale, and Chapman, the proprietors, of Portland, to furnish a certain amount of money to build a vessel to run between San Francisco and Astoria. Hunt went east, and the keel of the vessel was laid in 1849, and he got her on the ways and ready to launch when his money gave out, and the town proprietors of Portland did not send any more. So she was sold, and Howland and Aspinwall bought her for this trade themselves...She ran regularly once a month from San Francisco to Portland, carrying the mails and passengers.' She was very stanchly built, of 700 tons register, would carry 50 or 60 cabin passengers, with about as many in the steerage, and cost $150,000. *N. Y. Tribune*, in *Or. Spectator*, Dec. 12, 1850; *Deady's Hist. Or.*, MS., 10-11.

[34] The postal agent appointed in 1851 was Nathaniel Coe, a man of high character and scholarly attainments, as well as religious habits. He was a native of Morristown, New Jersey, born September 11, 1788, a whig, and a member of the Baptist church. In his earlier years he represented Alleghany county, New York, in the state legislature. When his term of office in Oregon expired he remained in the country, settling on the Columbia River near the mouth of Hood River, on the eastern slope of the Cascade Mountains. 'His mental energy was such, that neither the rapid progress of the sciences of our time, nor his own great age of eighty, could check his habits of study. The ripened fruits of scholarship that resulted appeared as bright as ever even in the last weeks of his life. He died at Hood River, his residence, October 17, 1868.' *Vancouver Register*, Nov. 7, 1868; *Dalles Mountaineer*, Oct. 23, 1868.

upon the organization of the territory, Professor A. D. Bache, superintendent of the United States coast survey, was notified that he would be expected to commence the survey of the coast of the United States on the Pacific. A corps of officers was selected and divided into two branches, one party to conduct the duties of the service on shore, and the other to make a hydrographical survey.

The former duty devolved upon assistant-superintendent, James S. Williams, Brevet-Captain D. P. Hammond, and Joseph S. Ruth, sub-assistant. The naval survey was conducted by Lieutenant W. P. McArthur, in the schooner *Ewing*, which was commanded by Lieutenant Washington Bartlett of the United States navy. The time of their advent on the coast was an unfortunate one, the spring of 1849, when the gold excitement was at its height, prices of labor and living extortionate, and the difficulty of restraining men on board ship, or in any service, excessive, the officers having to stand guard over the men,[35] or to put to sea to prevent desertions.

So many delays were experienced from these and other causes that nothing was accomplished in 1849, and the *Ewing* wintered at the Hawaiian Islands, returning to San Francisco for her stores in the spring, and again losing some of her men. On the 3d of April, Bartlett succeeded in getting to sea with men enough to work the vessel, though some of these were placed in irons on reaching the Columbia River. The first Oregon newspaper which fell under Bartlett's eye contained a letter of Thurston's, in which he reflected severely on the surveying expedition for neglect to proceed with their duties, which was supplemented by censorious remarks by the editor. To

[35] A mutiny occurred in which Passed Midshipman Gibson was nearly drowned in San Francisco Bay by five of the seamen. They escaped, were pursued, captured, and sentenced to death by a general court-martial. Two were hanged on board the *Ewing* and the others on the *St Mary's*, a ship of the U. S. squadron. *Letter of Lieut. Bartlett*, in *Or. Spectator*, June 27, 1850; *Lawson's Autobiog.*, MS., 2; *Davidson's Biography*.

these attacks Bartlett replied through the same medium, and took occasion to reprove the Oregonians for their lack of enterprise in failing to sustain a pilot service at the mouth of the Columbia, which service, since the passage of the pilotage act, had received little encouragement or support,[36] and also for giving countenance to the desertion of his men.

The work accomplished by the *Ewing* during the summer was the survey of the entrance to the Columbia, the designation of places for buoys to mark the channel, of a site for a light-house on Cape Disappointment, and the examination of the coast south of the Columbia. The survey showed that the "rock-ribbed and iron-bound" shore of Oregon really was a beach of sand from Point Adams to Cape Arago, a distance of one hundred and sixty-five miles, only thirty-three miles of that distance being cliffs of rock where the ocean touched the shore. From Cape Arago to the forty-second parallel, a distance of eighty-five miles, rock was found to predominate,

[36] Capt. White, a New York pilot, conceived the idea of establishing himself and a corps of competent assistants at the mouth of the Columbia, thereby conferring a great benefit on Oregon commerce, and presumably a reasonable amount of reward upon himself. But his venture, like a great many others projected from the other side of the continent, was a failure. On bringing his fine pilot-boat, the *Wm G. Hagstaff*, up the coast, in September 1849, he attempted to enter Rogue River, but got aground on the bar, was attacked by the Indians, and himself and associates, with their men, driven into the mountains, where they wandered for eighteen days in terrible destitution before reaching Fort Umpqua, at which post they received succor. The *Hagstaff* was robbed and burned, her place being supplied by another boat called the *Mary Taylor*. *The Pioneer*, i. 351; *Davidson's Coast Pilot*, 112–13; *Williams' S. W. Or.*, MS. 2. It was the neglect of the Oregonians to make good the loss of Captain White, or a portion of it, to which Bartlett referred. For the year during which White had charge of the bar pilotage 69 vessels of from 60 to 650 tons crossed in all 128 times. The only loss of a vessel in that time was that of the *Josephine*, loaded with lumber of the Oregon Milling Company. She was becalmed on the bar, and a gale coming up in the night she dragged her anchor and was carried on the sands, where she was dismasted and abandoned. She afterward floated out to sea, being a total loss. George Gibbs, in *Or. Spectator*, May 2, 1850. The pilot commissioners, consisting at this time of Gov. Lane and captains Couch and Crosby, made a strong appeal in behalf of White, but he was left to bear his losses and go whither he pleased. *Johnson's Cal. and Or.*, 254–5; *Carrol's Star of the West*, 290–5; *Stevens*, in *Pac. R. R. Rept.*, i. 109, 291–2, 615–16; *Polynesian*, July 20, 1850. The merchants finally advanced the pay of pilots so as to be remunerative, after which time little was heard about the terrors of the Columbia bar.

there being only fifteen miles of sand on this part of the coast.[37] Little attention was given to any bay or stream north of the Umpqua, McArthur offering it as his opinion that they were accessible by small boats alone, except Yaquina, which might, he conjectured, be entered by vessels of a larger class.

It will be remembered that the *Samuel Roberts* entered the Umpqua August 6, 1850, and surveyed the mouth of the river, and the river itself to Scottsburg. As the *Ewing* did not leave the Columbia until the 7th, McArthur's survey was subsequent to this one. He crossed the bar in the second cutter and not in the schooner; and pronounced the channel practicable for steamers, but dangerous for sailing vessels, unless under favorable circumstances. Slight examination was made of Coos Bay, an opinion being formed from simply looking at the mouth that it would be found available for steamers. The Coquille River was said to be only large enough for canoes; and Rogue River also unfit for sailing vessels, being so narrow as to scarcely afford room to turn in. So much for the Oregon coast. As to the Klamath, while it had more water on the bar than any river south of the Columbia, it was so narrow and so rapid as to be unsafe for sailing vessels.[38]

This was a very unsatisfactory report for the projectors of seaport towns in southern Oregon. It was almost equally disappointing to the naval and post-office departments of the general government, and to the mail contractors, who were then still anxious to avoid running their steamers to the Columbia, and determined if possible to find a different mail route. The recommendation of the postmaster-general at the instance of the Oregon delegate, that they should be required to leave the mail at Scottsburg, as I have mentioned, induced them to make a special effort to

[37] *Coast Survey, 1850*, 70; *S. F. Pac. News*, Jan. 18, 1851.

[38] McArthur died in 1851 while on his way to Panamá and the east. *Lawson's Autobiog.*, MS., 26.

found a settlement on the southern coast which would enable them to avoid the bar of the Umpqua.

The place selected was on a small bay about eight miles south of Cape Blanco, and a little south of Point Orford. Orders were issued to Captain Tichenor[39] of the *Seagull*, which was running to Portland, to put in at this place, previously visited by him,[40] and there leave a small colony of settlers, who were to examine the country for a road into the interior. Accordingly in June 1851 the *Seagull* stopped at Port Orford, as it was named, and left there nine men, commanded by J. M. Kirkpatrick, with the necessary stores and arms. A four-pounder was placed in position on the top of a high rock with one side sloping to the sea, and which at high tide became an island by the united waters of the ocean and a small creek which flowed by its base.

While the steamer remained in port, the Indians, of whom there were many in the neighborhood, appeared friendly. But on the second day after her departure, about forty of them held a war-dance, during which their numbers were constantly augmented by arrivals from the heavily wooded and hilly country back from the shore. When a considerable force was gathered the chief ordered an advance on the fortified

[39] William Tichenor was born in Newark, N. J., June 13, 1813, his ancestor Daniel Tichenor being one of the original proprietors of that town. He followed the sea, making his first voyage in 1825. In 1833 he married and went to Indiana, but could not remain in the interior. After again making a sea voyage he tried living in Edgar county, Illinois, where he represented the ninth senatorial district. In 1846 he recruited two companies for the regiment commanded by Col. E. D. Baker, whom he afterward helped to elect to the U. S. senate from Oregon. Tichenor came to the Pacific coast in 1849, and having mined for a short time on the American River, purchased the schooner *J. M. Ryerson*, and sailed for the gulf of California, exploring the coast to San Francisco and northward, discovering the bay spoken of above. He finally settled at Port Orford, and was three times elected to the lower house of the Oregon legislature, and once to the senate. He took up the study of law and practised for 16 years, and was at one time county judge of Curry county. Yet during all this time he never quite gave up seafaring. *Letter of Tichenor*, in *Historical Correspondence*, MS.

[40] Port Orford was established and owned by Capt. Tichenor, T. Butler King, collector of the port of San Francisco, James Gamble, Fred M. Smith, M. Hubbard, and W. G. T'Vault. *Or. Statesman*, Aug. 19, 1851.

rock of the settlers, who motioned them to keep back or receive their fire. But the savages, ignorant perhaps of the use of cannon, continued to come nearer until it became evident that a hand-to-hand conflict would soon ensue. When one of them had seized a musket in the hands of a settler, Kirkpatrick touched a fire-brand to the cannon, and discharged it in the midst of the advancing multitude, bringing several to the ground. The men then took aim and shot six at the first fire. Turning on those nearest with their guns clubbed, they were able to knock down several, and the battle was won. In fifteen minutes the Indians had twenty killed and fifteen wounded. Of the white men four were wounded by the arrows of the savages which fell in a shower upon them. The Indians were permitted to carry off their dead, and a lull followed.

But the condition of the settlers was harassing. They feared to leave their fortified camp to explore for a road to the interior, and determined to await the return of the *Seagull*, which was to bring another company from San Francisco. At the end of five days the Indians reappeared in greater force, and seeing the white men still in possession of their stronghold and presenting a determined front, retired a short distance down the coast to hold a war-dance and work up courage. The settlers, poorly supplied with ammunition, wished to avoid another conflict in which they might be defeated, and taking advantage of the temporary absence of the foe essayed to escape to the woods, carrying nothing but their arms.

It was a bold and desperate movement but it proved successful. Travelling as rapidly as possible in the almost tropical jungle of the Coast Range, and keeping in the forest for the first five or six miles, they emerged at night on the beach, and by using great caution eluded their pursuers. On coming to Coquille River, a village of about two hundred Indians was discovered on the bank opposite, which they avoided

by going up the stream for several miles and crossing it on a raft. To be secure against a similar encounter, they now kept to the woods for two days, though by doing so they deprived themselves of the only food, except salmon berries, which they had been able to find. At one place they fell in with a small band of savages whom they frightened away by charging toward them. Again emerging on the beach they lived on mussels for four days. The only assistance received was from the natives on Cowan River which empties into Coos Bay. These people were friendly, and fed and helped them on their way. On the eighth day the party reached the mouth of the Umpqua, where they were kindly cared for by the settlers at that place.[41]

When Tichenor arrived at San Francisco, he proceeded to raise a party of forty men to reënforce his settlement at Port Orford, to which he had promised to return by the 23d of the month. The *Seagull* being detained, he took passage on the *Columbia*, Captain Le Roy, and arrived at Port Orford as agreed, on the 23d, being surprised at not seeing any of his men on shore. He immediately landed, however, with Le Roy and eight others, and saw provisions and tools scattered over the ground, and on every side the signs of a hard struggle. On the ground was a diary kept by one of the party, in which the beginning of the first day's battle was described, leaving off abruptly where the first Indian seized a comrade's gun. Hence it was thought that all had been killed, and the account first published of the affair set it down as a massacre; a report which about one week later was corrected by a letter from Kirkpatrick, who, after giving a history of his adventures, concluded

[41] *Williams' S. W. Oregon*, MS., 1–6; *Alta California*, June 30th and July 25, 1851; *Wills' Wild Life*, in *Van Tromp's Adventures*, 149–50; *Armstrong's Or.*, 60–4; *Crane's Top. Mem.*, 37–40; *Overland Monthly*, xiv. 179–82; *Portland Bulletin*, Feb. 25, 1873; *Or. Spectator*, July 3, 1851; *Or. Statesman*, July 4th and 15, 1851; *Parrish's Or. Anecdotes*, MS., 41–5; *Harper's Mag.*, xiii. 590–1; *S. F. Herald*, June 30, 1851; *Id.*, July 15, 1851; *Lawson's Autobiog.*, MS., 32–3; *S. F. Alta*, June 30, 1851; *Taylor's Spec. Press*, 19.

with a favorable description of the country and the announcement that he had discovered a fine bay at the mouth of the Cowan River.[42] This important discovery was little heeded by the founders of Port Orford, who were bent upon establishing their settlement on a more southern point of the coast.

Tichenor left his California party at Port Orford well armed and fortified and proceeded to Portland, where he advertised to land passengers within thirty-five miles of the Rogue River mines, having brought up about two dozen miners from San Francisco and landed them at Port Orford to make their way from thence to the interior, at their own hazard. On returning down the coast the *Columbia* again touched at Port Orford and left a party of Oregon men, so that by August there were about seventy persons at the new settlement. They were all well armed and kept guard with military regularity. To some was assigned the duty of hunting, elk, deer, and other game being plentiful on the coast mountains, and birds of numerous kinds inhabiting the woods and seashore. A whitehall boat was left for fishing and shooting purposes. These hunting tours were also exploring expeditions, resulting in a thorough examination of the coast from the Coquille River on the north to a little below the California line on the south, in which distance no better port was discovered.[43]

The 24th of August a party of twenty-three[44] under T'Vault set out to explore the interior. T'Vault's experience as a pioneer was supposed to fit him for the position of guide and Indian-fighter, a most responsible office in that region of hostile savages,

[42] Now called Coos, an Indian name.

[43] Says Williams in his *S. W. Oregon*, MS., 9: 'It was upon one of these expeditions, returning from a point where Crescent City now stands, that with a fair wind, myself at the helm, we sailed into the beautiful Chetcoe River which we ever pronounced the loveliest little spot upon that line of coast.'

[44] I give here the number as given by Williams, one of the company, though it is stated to be only 18 by T'Vault, the leader, in *Alta California*, Oct. 14, 1851.

particularly as the expedition was made up of immigrants of the previous year, with little or no knowledge of the country, or of mountain life. Only two of them, Williams and Lount, both young men from Michigan, were good hunters; and on them would depend the food supply after the ten days' rations with which each man was furnished should be exhausted.

Nothing daunted, however, they set out on horses, and proceeded southward along the coast as far as the mouth of Rogue River. The natives along the route were numerous, but shy, and on being approached fled into the woods. At Rogue River, however, they assumed a different air, and raised their bows threateningly, but on seeing guns levelled at them desisted. During the march they hovered about the rear of the party, who on camping at night selected an open place, and after feeding their horses burned the grass for two hundred yards around that the savages might not have it to hide in, keeping at the same time a double guard. Proceeding thus cautiously they avoided collision with these savages.

When they had reached a point about fifty miles from the ocean, on the north bank of Rogue River, having lost their way and provisions becoming low, some determined to turn back. T'Vault, unwilling to abandon the adventure, offered increased pay to such as would continue it. Accordingly nine went on with him toward the valley, though but one of them could be depended upon to bring in game.[45] The separation took place on the 1st of September, the advancing party proceeding up Rogue River, by which course they were assured they could not fail soon to reach the travelled road.

On the evening of the 9th they came upon the

[45] This was Williams. The others were: Patrick Murphy, of New York; A. S. Doherty and Gilbert Brush, of Texas; Cyrus Hedden, of Newark, N. J.; John P. Holland, of New Hampshire; T. J. Davenport, of Massachusetts; Jeremiah Ryan, of Maryland; J. P. Pepper, of New York. *Alta California*, Oct 14, 1851.

head-waters of a stream flowing, it was believed, into the ocean near Cape Blanco. They were therefore, though designing to go south-eastwardly, actually some distance north as well as east from Port Orford, the nature of the country and the direction of the ridges forcing them out of their intended course. Finding an open country on this stream, they followed it down some distance, and chancing to meet an Indian boy engaged him as a guide, who brought them to the southern branch of a river, down which they travelled, finding the bottoms covered with a thick growth of trees peculiar to low, moist lands. It was now determined to abandon their horses, as they could advance with difficulty, and had no longer anything to carry which could not be dispensed with. They therefore procured the services of some Indians with canoes to take them to the mouth of the river, which they found to have a beautiful valley of rich land, and to be, after passing the junction of the two forks, about eighty yards wide, with the tide ebbing and flowing from two to three feet.[46] On the 14th, about ten o'clock in the morning, having descended to within a few miles of the ocean, a member of the party, Mr Hedden, one of those driven out of Port Orford in June, and who escaped up the coast, recognized the stream as the Coquille River, which the previous party had crossed on a raft. Too exhausted to navigate a boat for themselves, and overcome by hunger, they engaged some natives[47] to take them down the river, instead of which they were carried to a large ranchería situated about two miles from the ocean.

Savages thronged the shore armed with bows and arrows, long knives,[48] and war-clubs, and were upon them the moment they stepped ashore. T'Vault

[46] On Coquille River, 12 miles below the north fork, is a tree with the name 'Dennis White, 1834,' to which some persons have attached importance. *Armstrong's Or.*, 65.

[47] One of the Indians who paddled their canoes had with him 'the identical gun that James H. Eagan had broken over an Indian's head at Port Orford in June last.' *Williams' S. W. Or.*, MS., 28.

[48] These knives, two and two and a half feet long, were manufactured by

afterward declared that the first thing he was conscious of was being in the river, fifteen yards from shore and swimming. He glanced toward the village, and saw only a horrible confusion, and heard the yells of savage triumph mingled with the sound of blows and the shrieks of his unfortunate comrades. At the same instant he saw Brush in the water not far from him and an Indian standing in a canoe striking him on the head with a paddle, while the water around was stained with blood.

At this juncture occurred an incident such as is used to embellish romances, when a woman or a child in the midst of savagery displays those feelings of humanity common to all men. While the two white men were struggling for their lives in the stream a canoe shot from the opposite bank. In it standing erect was an Indian lad, who on reaching the spot assisted them into the canoe, handed them the paddle, then springing into the water swam back to the shore. They succeeded in getting to land, and stripping themselves, crawled up the bank and into the thicket without once standing upright. Striking southward through the rough and briery undergrowth they hurried on as long as daylight lasted, and at night emerged upon the beach, reaching Cape Blanco the following morning, where the Indians received them kindly, and after taking care of them for a day conveyed them to Port Orford. T'Vault was not severely wounded, but Brush had part of his scalp taken off by one of the long knives. Both were suffering from famine and bruises, and believed themselves the only survivors.[49] But in about two weeks it was ascertained that others of the party were living, namely: Williams,[50]

the Indians out of some band iron taken from the wreck of the *Hagstaff*. They were furnished with whalebone handles. *Parrish's Or. Anecdotes*, MS., 60.

[49] *Lawson's Autobiog.*, MS., 45–6; *Portland Bulletin*, March 3, 1873; *S. F. Herald*, Oct. 14, 1851; *Ashland Tidings*, July 12th and 19, 1878; *Portland West Shore*, May 1878.

[50] The narrative of Williams is one of the most thrilling in the literature of savage warfare. When the attack was made he had just stepped ashore from the canoe. His first struggle was with two powerful savages for the

Davenport, and Hedden, the other five having been murdered, their companies hardly knew how.

With this signal disaster terminated the first attempt to reach the Rogue River Valley from Port Orford; and thus fiercely did the red inhabitants of this region welcome their white brethren. The difficulties with the various tribes which grew out of this and similar encounters I shall describe in the history of the wars of 1851–3.

Soon after the failure of the T'Vault expedition another company was fitted out to explore in a differ-

possession of his rifle, which being discharged in the contest, for a moment gave him relief by frightening his assailants. Amidst the yells of Indians and the cries and groans of comrades he forced his way through the infuriated crowd with the stock of his gun, being completely surrounded, fighting in a circle, and striking in all directions. Soon only the barrel of his gun remained in his hands, with which he continued to deal heavy blows as he advanced along a piece of open ground toward the forest, receiving blows as well, one of which felled him to the ground. Quickly recovering himself, with one desperate plunge the living wall was broken, and he darted for the woods. As he ran an arrow hit him between the left hip and lower ribs, penetrating the abdomen, and bringing him to a sudden stop. Finding it impossible to move, he drew out the shaft which broke off, leaving one joint of its length, with the barb, in his body. So great was his excitement that after the first sensation no pain was felt. The main party of Indians being occupied with rifling the bodies of the slain, a race for life now set in with about a dozen of the most persistent of his enemies. Though several times struck with arrows he ran down all but two who placed themselves on each side about ten feet away shooting every instant. Despairing of escape Williams turned on them, but while he chased one the other shot at him from behind. As if to leave him no chance for life the suspenders of his pantaloons gave way, and being impeded by their falling down he was forced to stop and kick them off. With his eyes and mouth filled with blood from a wound on the head, blinded and despairing he yet turned to enter the forest when he fell headlong. At this the Indians rushed upon him sure of their prey; one of them who carried a captured gun attempted to fire, but it failed. Says the narrator: 'The sickening sensations of the last half hour were at once dispelled when I realized that the gun had refused to fire. I was on my feet in a moment, rifle barrel in hand. Instead of running I stood firm, and the Indian with the rifle also met me with it drawn by the breech. The critical moment of the whole affair had arrived, and I knew it must be the final struggle. The first two or three blows I failed utterly, and received some severe bruises, but fortune was on my side, and a lucky blow given with unusual force fell upon my antagonist killing him almost instantly. I seized the gun, a sharp report followed, and I had the satisfaction of seeing my remaining pursuer stagger and fall dead.' Expecting to die of his wounds Williams entered the shadow of the woods to seek a place where he might lie down in peace. Soon afterward he fell in with Hedden, who had escaped uninjured, and who with some friendly Indians assisted him to reach the Umpqua, where they arrived after six days of intense suffering from injuries, famine, and cold, and where they found the brig *Almira*, Capt. Gibbs, lying, which took them to Gardiner. All

ent direction for a road to the interior,[51] which was compelled to return without effecting its object. Port Orford, however, received the encouragement and assistance of government officials, including the coast survey officers and military men,[52] and throve in consequence. Troops were stationed there,[53] and before the close of the year the work of surveying a military road was begun by Lieutenant Williamson, of the topographical engineers, with an escort of dragoons from Casey's command at Port Orford. Several families had also joined the settlement, about half a dozen dwelling houses having been erected for their accommodation.[54] The troops were quartered in nine log buildings half a mile from the town.[55] A permanent route to the mines was not adopted, however, until late the following year.

Casey's command having returned to Benicia about the 1st of December, in January following the schooner *Captain Lincoln*, Naghel master, was despatched to Port Orford from San Francisco with troops and

Williams' wounds except that in the abdomen healed readily. That discharged for a year. In four years the arrow-head had worked itself out, but not until the seventh year did the broken shaft follow it. Davenport, like Hedden, was unhurt, but wandered starving in the mountains many days before reaching a settlement. Williams was born in Vermont, and came to the Pacific coast in 1850. He made his home at Ashland, enjoying the respect of his fellow-men, combining in his manner the peculiarities of the border with those of a thorough and competent business man. *Portland West Shore*, June 18, 1878.

[51] *Or. Statesman*, Nov. 4, 1851.

[52] Probably stories like the following had their effect: 'Port Orford has recently been ascertained to be one of the very best harbors on the Pacific coast, accessible to the largest class of vessels, and situated at a convenient intermediate point between the Umpqua and Rogue Rivers.' *Rept. of Gen. Hitchcock*, in *32d Cong., 1st Sess., H. Ex. Doc. 2*, 149; *S. F. Alta*, July 13th and Sept. 14, 1852.

[53] Lieutenant Kautz, of the rifles, with 20 men stationed at Astoria, was ordered to Port Orford in August, at the instance of Tichenor, where a post was to be established for the protection of the miners in Rogue River Valley, which was represented to be but 35 miles distant from this place. After the massacre on the Coquille, Col. Casey, of the 2d infantry, was despatched from San Francisco with portions of three dragoon companies, arriving at Port Orford on the 22d of October.

[54] *Saint Amant*, 41–2, 144; *Or. Statesman*, Dec. 16, 1851.

[55] *32d Cong., 2d Sess., H. Ex. Doc. 1*, pt. ii. 105–6; *S. F. Herald*, Nov. 8, 1852.

stores under Lieutenant Stanton. The weather being foul she missed the harbor and went ashore on a sand spit two miles north of the entrance to Coos Bay. The passengers and cargo were safely landed on the beach, where shelter was obtained under sails stretched on booms and spars. Thus exposed, annoyed by high winds and drifting sands, and by the thieving propensities of the natives, Stanton was forced to remain four months. An effort was made to explore a trail to Port Orford by means of which pack-trains could be sent to their relief. Twelve dragoons were assigned to this service, with orders to wait at Port Orford for despatches from San Francisco in answer to his own, which, as the mail steamers avoided that place after hearing of the wreck of the schooner, did not arrive until settled weather in March. Quartermaster Miller replied to Stanton by taking passage for Port Orford on the *Columbia* under a special arrangement to stop at that port. But the steamer's captain being unacquainted with the coast, and having nearly made the mistake of attempting to enter Rogue River, proceeded to the Columbia, and it was not until the 12th of April that Miller reached his destination. He brought a train of twenty mules from Port Orford, the route proving a most harassing one, over slippery mountain spurs, through dense forests obstructed with fallen timber, across several rivers, besides sand dunes and marshes, four days being consumed in marching fifty miles.

On reaching Camp Castaway, Miller proceeded to the Umpqua, where he found and chartered the schooner *Nassau*, which was brought around into Coos Bay, being the first vessel to enter that harbor. Wagons had been shipped by the quartermaster to the Umpqua by the brig *Fawn*. The mules were sent to haul them down the beach by what proved to be a good road, and the stores being loaded into them were transported across two miles of sand to the west shore of the bay and placed on board the *Nassau*, in

which they were taken to Port Orford,[56] arriving the 20th of May.

The knowledge of the country obtained in these forced expeditions, added to the exploration of the Coquille Vall y by road-hunters in the previous autumn, and by the military expedition of Casey to punish the Coquilles, of which I shall speak in another place, was the means of attracting attention to the advantages of this portion of Oregon for settlement. A chart of Coos Bay entrance was made by Naghel, which was sufficiently correct for sailing purposes, and the harbor was favorably reported upon by Miller.[57]

On the 28th of January the schooner *Juliet*, Captain Collins, was driven ashore near Yaquina Bay, the crew and passengers being compelled to remain upon the stormy coast until by aid of an Indian messenger horses could be brought from the Willamette to transport them to that more hospitable region.[58] While Collins was detained, which was until the latter part of March, he occupied a portion of his time in exploring Yaquina Bay, finding it navigable for vessels drawing from six to eight feet of water; but the entrance was a bad one. In the bay were found oysters and clams, while the adjacent land was deemed excellent. Thus by accident[59] as well as effort the secrets of the coast country were brought to light, and

[56] The *Nassau* was wrecked at the entrance to the Umpqua a few months later. *Or. Statesman*, Sept. 18, 1852. From 1850 to 1852 five vessels were lost at this place, the *Bostonian*, *Nassau*, *Almira*, *Orchilla*, and *Caleb Curtes*.

[57] *32d Cong., 2d Sess., H. S. Ex. Doc. 1*, pt. ii. 103–9.

[58] Dr McLoughlin, Hugh Burns, W. C. Griswold, and W. H. Barnhart responded to the appeal of the shipwrecked, and furnished the means of their rescue from suffering. *Or. Statesman*, March 2d and April 6, 1852.

[59] Of marine disasters there seem to have been a great number in 1851–2. The most appalling was of the steam propeller *General Warren*, Captain Charles Thompson, which stranded on Clatsop spit, after passing out of the Columbia, Jan. 28, 1852. The steamer was found to be leaking badly, and being put about could not make the river again. She broke up almost immediately after striking the sands, and by daylight next morning there was only enough left of the wreck to afford standing room for her passengers and crew. A boat, the only one remaining, was despatched in charge of the bar pilot to

although the immigration of 1851 was not more than a third as much as that of the previous year, there were people enough running to and fro, looking for new enterprises, to impart an interest to each fresh revelation of the resources of the territory.

Astoria for assistance. On its return nothing could be found but some floating fragments of the vessel. Not a life was saved of the 52 persons on board. *Or. Statesman*, Feb. 10th and 24, 1852; *Id.*, March 9, 1852; *Swan's N. W. Coast*, 259; *Portland Oregonian*, Feb. 7, 1852; *S. F. Alta*, Feb. 16, 1852.

CHAPTER VII.

INDIAN AFFAIRS.

1851.

POLITICS—ELECTION OF A DELEGATE—EXTINGUISHMENT OF INDIAN TITLES—INDIAN SUPERINTENDENTS AND AGENTS APPOINTED—KINDNESS OF THE GREAT FATHER AT WASHINGTON—APPROPRIATIONS OF CONGRESS—FRAUDS ARISING FROM THE SYSTEM—EASY EXPENDITURE OF GOVERNMENT MONEY—UNPOPULARITY OF HUMAN SYMPATHY—EFFICIENCY OF SUPERINTENDENT DART—THIRTEEN TREATIES EFFECTED—LANE AMONG THE ROGUE RIVER INDIANS AND IN THE MINES—DIVERS OUTRAGES AND RETALIATIONS—MILITARY AFFAIRS—ROGUE RIVER WAR—THE STRONGHOLD—BATTLE OF TABLE ROCK—DEATH OF STUART—KEARNEY'S PRISONERS.

LANE was not a skilful politician and finished orator like Thurston, though he had much natural ability,[1] and had the latter been alive, notwithstanding his many misdeeds, Lane could not so easily have secured the election as delegate to congress. It was a personal rather than a party matter,[2] though a party spirit developed rapidly after Lane's nomination, chiefly because a majority of the people were democrats,[3] and

[1] 'Gen. Lane is a man of a high order of original genius. He is not self-made, but God-made. He was educated nowhere. Nobody but a man of superior natural capacity, without education, could have maintained himself among men from early youth as he did.' *Grover's Pub. Life*, MS., 81. We may hereby infer the idea intended to be conveyed, however ill-fitting the words.

[2] Says W. W. Buck: 'Before 1851 there were no nominations made. In 1851 they organized into political parties as whigs and democrats. Before that men of prominence would think of some one, and go to him and find out if he would serve. The knowledge of the movement would spread, and the foremost candidate get elected, while others ran scattering.' *Enterprises*, MS., 13.

[3] Jesse Applegate, who had been mentioned as suitable for the place, wrote to the *Spectator* March 14th: 'The people of the southern frontier, of which I am one, owe to Gov. Lane a debt of gratitude too strong for party prejudices to cancel, and too great for time to erase...Rifle in hand he gal-

their favorites, Thurston and Lane, were democrats, while the administration was whig and not in sympathy with them.

The movement for Lane began in February, the earliest intimation of it appearing in the *Spectator* of March 6th, after which he was nominated in a public meeting at Lafayette. Lane himself did not appear on the ground until the last of April, and the news of Thurston's death arriving within a few days, Lane's name was immediately put forward by every journal in the territory. But he was not, for all that, without an opponent. The mission party nominated W. H. Willson, who from a whaling-ship cooper and lay Methodist had come to be called doctor and been given places of trust. His supporters were the defenders of that part of Thurston's policy which was generally condemned. There was nothing of consequence at issue however, and as Lane was facile of tongue[4] and clap-trap, he was elected by a majority of 1,832 with 2,917 votes cast.[5] As soon as the returns were all in, Lane set out again for the mines, where he was just in time to be of service to the settlers of Rogue River Valley.

Immediately upon the passage of an act by congress, extinguishing Indian titles west of the Cascade Mountains in 1850, the president appointed superintendent of Indian affairs, Anson Dart of Wisconsin, who arrived early in October, accompanied by P. C. Dart, his secretary. Three Indian agents were appointed

lantly braved the floods and storms of winter to save our property, wives, and daughters from the rapine of a lawless soldiery,' which statement, howsoever it pictures public sentiment, smacks somewhat of the usual electioneering exaggeration.

[4] 'He had a particularly happy faculty for what we would call domestic electioneering. He did not make speeches, but would go around and talk with families. They used to tell this story about him, and I think it is true, that what he got at one place, in the way of seeds or choice articles, he distributed at the next place. He brought these, with candies, and always kissed the children.' *Strong's Hist. Or.*, MS., 41.

[5] *Lane's Autobiography*, MS., 62; *Or. Spectator*, July 4, 1851; *Amer. Almanac, 1852*, 223; *Tribune Almanac, 1852*, 51; *Overland Monthly*, i. 37.

at the same time, namely: A. G. Henry of Illinois,[6] H. H. Spalding, and Elias Wampole. Dart's instructions from the commissioner, under date of July 20, 1850, were in general, to govern himself by the instructions furnished to Lane as ex-officio superintendent,[7] to be modified according to circumstances. The number of agents and subagents appointed had been in accordance with the recommendation of Lane, and to the information contained in Lane's report he was requested to give particular attention, as well as to the suppression of the liquor traffic, and the enforcement of the penalties provided in the intercourse act of 1834, and also as amended in 1847, making one or two years' imprisonment a punishment for furnishing Indians with intoxicating drink.[8] A feature of the instructions, showing Thurston's hand in this matter, was the order not to purchase goods from the Hudson's Bay Company for distribution among the Indians, but that they be purchased of American merchants, and the Indians taught that it was from the American government they received such benefits. It was also forbidden in the instructions that the company should have trading posts within the limits of United States territory,[9] the superintendent being required to proceed with them in accordance with the terms of the act regulating intercourse with the Indians.

[6] Thurston, who was much opposed to appointing men from the east, wrote to Oregon: 'Dr Henry of Illinois was appointed Indian agent, held on to it a while, drew $750 under the pretence of going to Oregon, and then resigned, leaving the government minus that sum. Upon his resigning Mr Simeon Francis was nominated, first giving assurance that he would leave for Oregon, but instead of doing so he is at home in Illinois.' *Or. Spectator*, April 10, 1851.

[7] *31st Cong., 1st Sess., S. Doc. 52*, 1–7, 154–80.

[8] It should be here mentioned, in justice to Thurston, that when the Indian bill was under consideration by the congressional committees, it was brought to his notice by the commissioner, that while Lane had given much information on the number and condition of the Indians, the number of agents necessary, the amount of money necessary for agency buildings, agents, expenses, and presents to the Indians, he had neglected to state what tribes should be bought out, the extent of their territory, what would be a fair price for the lands, to what place they should be removed, and whether such lands were vacant. Thurston furnished this information according to his conception of right, and had the bill framed for the extinguishment of titles in that part of Oregon, which was rapidly filling up with white settlers. See *Letter of Orlando Brown, Commissioner*, in *Or. Spectator*, Oct. 31, 1850.

[9] *31st Cong., 2d Sess., H. Ex. Doc. 1*, 149.

As to the attitude of government toward the Indians there was the usual political twaddle. An important object to be aimed at, the commissioner said, was the reconciling of differences between tribes. Civilized people may fight, but not savages. The Indians should be urged to engage in agricultural pursuits, to raise grain, vegetables, and stock of all kinds; and to encourage them, small premiums might be offered for the greatest quantity of produce, or number of cattle and other farm animals. With regard to missionaries among the Indians, they were to be encouraged without reference to denomination, and left free to use the best means of christianizing. The sum of twenty thousand dollars was advanced to the superintendent, of which five thousand was to be applied to the erection of houses for the accommodation of himself and agents, four thousand for his own residence, and the remainder for temporary buildings to be used by the agents before becoming permanently established. The remainder was for presents and provisions.

There were further appointed for Oregon three commissioners to make treaties with the Indians, John P. Gaines, governor, Alonzo A. Skinner, and Beverly S. Allen; the last received his commission the 12th of August and arrived in Oregon in the early part of February 1851. The instructions were general, the department being ignorant of the territory, except that it extended from the 42d to the 49th parallel, and was included between the Cascade Mountains and the Pacific Ocean. The object of the government it was said was to extinguish the Indian titles, and remove the complaint of the settlers that they could acquire no perfect titles to their claims before the Indians had been quieted. They were advised therefore to treat first with the Indians in the Willamette Valley, and with each tribe separately.[10]

[10] 'The maximum price given for Indian lands has been ten cents per acre, but this has been for small quantities of great value from their contiguity to

They were to fix upon an amount of money to be paid, and agree upon an annuity not to exceed five per cent of the whole amount. It was also advised that money be not employed, but that articles of use should be substituted; and the natives be urged to accept such things as would assist them in becoming farmers and mechanics, and to secure medical aid and education. If any money remained after so providing it might be expended for goods to be delivered annually in the Indian country. The sum of twenty thousand dollars was to be applied to these objects; fifteen thousand to be placed at the disposal of Governor Gaines, at the sub-treasury, San Francisco, and to be accounted for by vouchers; and five thousand to be invested in goods and sent round Cape Horn for distribution among the Indians. The commissioners were allowed mileage for themselves and secretary at the rate of ten cents a mile, together with salaries of eight dollars a day during service for each of the commissioners, and five dollars for the secretary. They were also to have as many interpreters and assistants as they might deem necessary, at a proper compensation, and their travelling expenses paid.[11]

Such was the flattering prospect under which the Indian agency business opened in Oregon. Truly, a government must have faith in its servants to place such temptations in their way. Frauds innumerable were the result; from five hundred to five thousand dollars would be paid to the politicians to secure an agency, the returns from which investment, with hundreds per cent profit, must be made by systematic peculations and pilferings, so that not one quarter of the moneys appropriated on behalf of the Indians

the States; and it is merely mentioned to show that some important consideration has always been involved when so large a price has been given. It is not for a moment to be supposed that any such consideration can be involved in any purchases to be made by you, and it is supposed a very small portion of that price will be required.' *A. S. Loughery, Acting Commissioner*, in *31st Cong., 2d Sess., H. Ex. Doc. 1*, 147.

[11] *31st Cong., 2d Sess., H. Ex. Doc. 1*, 145–51; *Hayes' Scraps*, iv. 9–10.

would be expended for their benefit. Perhaps the public conscience was soothed by this show of justice, as pretentious as it was hollow, and the emptiness of which was patent to every one; but it would have been in as good taste, and far more manly and honest, to have shot down the aboriginals and seized their lands without these hypocrisies and stealings, as was frequently done.

Often the people were worse than the government or its agents, so that there was little inducement for the latter to be honest. In the present instance the commissioners were far more just and humane than the settlers themselves. It is true they entered upon their duties in April 1851 with a pomp and circumstance in no wise in keeping with the simple habits of the Oregon settlers; with interpreters, clerks, commissaries, and a retinue of servants they established themselves at Champoeg, to which place agents brought the so-called chiefs of the wretched tribes of the Willamette; but they displayed a heart and a humanity in their efforts which did them honor. Of the Santiam band of the Calapooyas they purchased a portion of the valley eighty miles in length by twenty in breadth; of the Tualatin branch of the same nation a tract of country fifty miles by thirty in extent, these lands being among the best in the valley, and already settled upon by white men. The number of Indians of both sexes and all ages making a claim to this extent of territory was in the former instance one hundred and fifty-five and in the latter sixty-five.

The commissioners were unable to induce the Calapooyas to remove east of the Cascade mountains, as had been the intention of the government, their refusal resting upon reluctance to leave the graves of their ancestors, and ignorance of the means of procuring a livelihood in any country but their own. To these representations Gaines and his associates lent a sympathizing ear, and allowed the Indians to select reser-

vations within the valley of tracts of land of a few miles in extent situated upon the lower slopes of the Cascade and Coast ranges, where game, roots, and berries could be procured with ease.[12]

As to the instructions of the commissioner at Washington, it was not possible to carry them out. Schools the Indians refused to have; and from their experience of them and their effects on the young I am quite sure the savages were right. Only a few of the Tualatin band would consent to receive farming utensils, not wishing to have habits of labor forced upon them with their annuities. They were anxious also to be paid in cash, consenting reluctantly to accept a portion of their annuities in clothing and provisions.

In May four other treaties were concluded with the Luckiamute, Calapooyas, and Molallas, the territory thus secured to civilization comprising about half the Willamette Valley.[13] The upper and lower Molallas received forty-two thousand dollars, payable in twenty annual instalments, about one third to be in cash and the remainder in goods, with a present on the ratification of the treaties of a few rifles and horses for the head men. Like the Calapooyas they steadily refused to devote any portion of their annuities to educational purposes, the general sentiment of these western Indians being that they had but a little time to live, and it was useless to trouble themselves about education, a sentiment not wholly Indian, since it kept Europe in darkness for a thousand years.[14]

[12] No mention is made of the price paid for these lands, nor have I seen these treaties in print.

[13] This is the report of the commissioners, though the description of the lands purchased is different in the *Spectator* of May 15, 1851, where it is said that the purchase included all the east side of the valley to the head-waters of the Willamette.

[14] The native eloquence, touched and made pathetic by the despondency of the natives, being quoted in public by the commissioners, subjected them to the ridicule of the anti-administration journal, as for instance: 'In this city Judge Skinner spent days, and for aught we know, weeks, in interpreting Slacum's jargon speeches, while Gaines, swelling with consequence, pronounced them more eloquent than the orations of Demosthenes or Cicero, and peddled

In order to give the Indians the reservations they desired it was necessary to include some tracts claimed by settlers, which would either have to be vacated, the government paying for their improvements, or the settlers compelled to live among the Indians, an alternative not likely to commend itself to either the settlers or the government.

A careful summing-up of the report of the commissioners showed that they had simply agreed to pay annuities to the Indians for twenty years, to make them presents, and to build them houses, while the Indians still occupied lands of their own choosing in portions of the valley already being settled by white people, and that they refused to accept teachers, either religious or secular, or to cultivate the ground. By these terms all the hopeful themes of the commissioner at Washington fell to the ground. And yet the government was begged to ratify the treaties, because failure to do so would add to the distrust already felt by the Indians from their frequent disappointments, and make any further negotiations difficult.[15]

About the time the last of the six treaties was concluded information was received that congress, by act of the 27th of February, had abolished all special Indian commissions, and transferred to the superintendent the power to make treaties. All but three hundred dollars of the twenty thousand appropriated under the advice of Thurston for this branch of the service had been expended by Gaines in five weeks of absurd magnificence at Champoeg, the paltry remainder being handed over to Superintendent Dart, who received no pay for the extra service with which to defray the expense of making further treaties. Thus ended the first essay of congress to settle the question of title to Indian lands.

them about the town...This ridiculous farce made the actors the laughing-stock of the boys, and even of the Indians.' *Or. Statesman*, Nov. 6, 1852.

[15] *Report of Commissioners*, in *32d Cong., 1st Sess., H. Ex. Doc. 2*, pt. iii. 471.

Dart did not find his office a sinecure. The area of the country over which his superintendency extended was so great that, even with the aid of more agents, little could be accomplished in a season, six months of the year only admitting of travel in the unsettled portions of the territory. To add to his embarrassment, the three agents appointed had left him almost alone to perform the duty which should have been divided among several assistants,[16] the pay offered to agents being so small as to be despised by men of character and ability who had their living to earn.

About the 1st of June 1851 Dart set out to visit the Indians east of the Cascade Mountains, who since the close of the Cayuse war had maintained a friendly attitude, but who hearing that it was the design to send the western Indians among them were becoming uneasy. Their opposition to having the sickly and degraded Willamette natives in their midst was equal to that of the white people. Neither were they willing to come to any arrangement by which they would be compelled to quit the country which each tribe for itself called its own. Dart promised them just treatment, and that they should receive pay for their lands. Having selected a site for an agency building on the Umatilla he proceeded to Waiilatpu and Lapwai, as instructed, to determine the losses sustained by the Presbyterians, according to the instructions of government.[17]

[16] Dart complained in his report that Spalding, who had been assigned to the Umpqua country, had visited it but twice during the year, and asked his removal and the substitution of E. A. Starling. The latter was first stationed at the mouth of the Columbia, and soon after sent to Puget Sound. Wampole arrived in Oregon in July 1851, was sent to Umatilla, and removed in less than three months for violating orders and trading with the Indians. Allen, appointed after Henry and Francis, also finally declined, when Skinner accepted the place too late in the year to accomplish anything. A. Van Dusen, of Astoria, had been appointed subagent, but declined; then Shortess had accepted the position. Walker had been appointed to go among the Spokanes, but it was doubtful if $750 a year would be accepted. Finally J. L. Parrish, also a subagent, was the only man who had proven efficient and ready to perform the services required of him. *32d Cong., 1st Sess., H. Ex. Doc. 2.* pt. iii. 473; *U. S. Ev. H. R. Co. Claims*, 27; *Amer. Almanac*, 1851, 113; *Id.*, 1852, 116; Dunniway's *Capt. Gray's Company*, 162.

[17] The claims against the government for the destruction of the missions was large in the estimation of Dart, who does not state the amount.

The Cayuses expressed satisfaction that the United States cherished no hatred toward them for their past misdeeds, and received assurances of fair treatment in the future, sealed with a feast upon a fat ox. At Lapwai the same promises were given and ceremonies observed. The only thing worthy of remark that I find in the report of Dart's visit to eastern Oregon is the fact mentioned that the Cayuses had dwindled from their former greatness to be the most insignificant tribe in the upper country, there being left but one hundred and twenty-six, of whom thirty-eight only were men; and the great expense attending his visit,[18] the results of which were not what the government expected, if indeed any body knew what was expected. The government was hardly prepared to purchase the whole Oregon territory, even at the minimum price of three cents an acre, and it was dangerous policy holding out the promise of something not likely to be performed.

As to the Presbyterian mission claims, if the board had been paid what it cost to have its property appraised, it would have been all it was entitled to, and particularly since each station could hold a section of land under the organic act. And as to the claims of private individuals for property destroyed by the Cayuses, these Indians not being in receipt of annuities out of which the claims could be taken, there was no way in which they could be collected. Neither was the agency erected of any benefit to the Indians, because the agent, Wampole, soon violated the law, was removed, and the agency closed.

[18] There were 11 persons in Dart's party—himself and secretary, 2 interpreters, drawing together $11 a day; 2 carpenters, $12; 3 packers, $15; 2 cooks, $6. The secretary received $5 a day, making the wages of the party $50 daily at the start, in addition to the superintendent's salary. Transportation to The Dalles cost $400. At The Dalles another man with 20 horses was hired at $15 a day, and 2 wagons with oxen at $12; the passage from Portland to Umatilla costing $1,500 besides subsistence. And this was only the beginning of expenses. The lumber for the agency building at Umatilla had to be carried forty miles at an enormous cost; the beef which feasted the Cayuses cost $80, and other things in proportion. *32d Cong., 1st Sess., H. Ex. Doc. 2*, pt. iii.

Concerning that part of his instructions to encourage missionaries as teachers among the Indians, Dart had little to say; for which reason, or in revenge for his dismissal, Spalding represented that no American teachers, but only Catholics and foreigners were given permission to enter the Indian country.[19] But as his name was appended to all the treaties made while he was agent, with one exception, he must have been as guilty as any of excluding American teachers. The truth was that Dart promised the Indians of eastern Oregon that they should not be disturbed in their religious practices, but have such teachers as they preferred.[20] This to the sectarian Protestant mind was simply atrocious, though it seemed only politic and just to the unbiassed understanding of the superintendent.

With regard to that part of his instructions relating to suppressing the establishments of the Hudson's Bay Company in Oregon, he informed the commissioner that he found the company to have rights which prompted him to call the attention of the government to the subject before he attempted to interfere with them, and suggested the propriety of purchasing those rights instead of proceeding against British traders as criminals, the only accusation that could be brought against them being that they sold better goods to the Indians for less money than American traders.

And concerning the intercourse act prohibiting the sale of intoxicating liquors to the natives, Dart remarked that although a good deal of liquor was con-

[19] This charge being deemed inimical to the administration, the President denied it in a letter to the *Philadelphia Daily Sun*, April 1852. The matter is referred to in the *Or. Statesman*, June 15th and July 3, 1852. See also *Home Missionary*, vol. lxxxiv. 276.

[20] In 1852 a Catholic priest, E. C. Chirouse, settled on a piece of land at Walla Walla, making a claim under the act of congress establishing the territorial government of Washington. He failed to make his final proof according to law, and the notification of his intentions was not filed till 1860, when Archbishop Blanchet made a notification; but it appeared that whatever title there was, was in Chirouse. He relinquished it to the U. S. in 1862, but it was then too late for the Catholic church to set up a claim, and the archbishop's notification was not allowed. *Portland Oregonian*, March 16, 1872.

sumed in Oregon, in some localities the Indians used less in proportion than any others in the United States, and referred to the difficulty of obtaining evidence against liquor sellers on account of the law of Oregon excluding colored witnesses. He also gave it as his opinion that except the Shoshones and Rogue River Indians the aborigines of Oregon were more peaceable than any of the uncivilized tribes, but that to keep in check these savages troops were indispensable, recommending that a company be stationed in the Shoshone country to protect the next year's immigration.[21] Altogether Dart seems to have been a fair and reasonable man, who discharged his duty under unfavorable circumstances with promptness and good sense.

[21] Eighteen thousand dollars worth of property was stolen by the Shoshones in 1851; many white men were killed, and more wounded. Hutchison Clark, of Illinois, was driving, in advance of his company, with his mother, sister, and a young brother in the family carriage near Raft River 40 miles west of Fort Hall, when the party was attacked, his mother and brother killed, and Miss Grace Clark, after being outraged and shot through the body and wrist, was thrown over a precipice to die. She alighted on a bank of sand which broke the force of the fall. The savages then rolled stones over after her, some of which struck and wounded her, notwithstanding all of which she survived and reached Oregon alive. She was married afterward to a Mr Vandervert, and settled on the coast branch of the Willamette. She died Feb. 20, 1875. When the train came up and discovered the bloody deed and that the Indians had driven off over twenty valuable horses, a company was formed, led by Charles Clark, to follow and chastise them. These were driven back, however, with a loss of one killed and one wounded. A brother of this Clark family named Thomas had emigrated in 1848, and was awaiting the arrival of his friends when the outrages occurred. *Or. Statesman*, Sept. 23, 1851. The same band killed Mr Miller, from Virginia, and seriously wounded his daughter. They killed Jackson, a brother-in-law of Miller, at the same time, and attacked a train of twenty wagons, led by Harpool, being repulsed with some loss. Other parties were attacked at different points, and many persons wounded. *Or. Spectator*, Sept. 2, 1851; *Barnes' Or. and Cal.*, MS., 26. Raymond, superintendent at Fort Hall, said that 31 emigrants had been shot by the Shoshones and their allies the Bannacks. *Or. Statesman*, Dec. 9, 1851; *S. F. Alta*, Sept. 28, 1851. The residents of the country were at a loss to account for these outrages, so bold on the part of the savages, and so injurious to the white people. It was said that the decline of the fur-trade compelled the Indians to robbery, and that they willingly availed themselves of an opportunity not only to make good their losses, but to be avenged for any wrongs, real or imaginary, which they had ever suffered at the hands of white men. A more obvious reason might be found in the withdrawal of the influence wielded over them by the Hudson's Bay Company, who being now under United States and Oregon law was forbidden to furnish ammunition, and was no longer esteemed among the Indians who had nothing to gain by obedience. Some of the emigrants professed to believe the Indian hostilities directly due to Mormon influence. David Newsome of the immigration

On returning from eastern Oregon, Dart visited the mouth of the Columbia in company with two of his agents, and made treaties with the Indians on both sides of the river, the tract purchased extending from the Chehalis River on the north to the Yaquina Bay on the south; and from the ocean on the west, to above the mouth of the Cowlitz River. For this territory the sum of ninety-one thousand three hundred dollars was promised, to be paid in ten yearly instalments, in clothing, provisions, and other necessary articles. Reservations were made on Clatsop Point, and Woody and Cathlamet islands; and one was made at Shoalwater Bay, conditioned upon the majority of the Indians removing to that place within one year, in which case they would be provided with a manual labor school, a lumber and flouring mill, and a farmer and blacksmith to instruct them in agriculture and the smith's art.

Other treaties were made during the summer and autumn. The Clackamas tribe, numbering eighty-eight persons, nineteen of whom were men, was promised an annuity of two thousand five hundred dollars for a period of ten years, five hundred in money, and the remainder in food and clothing.[22] The natives of the south-western coast also agreed to cede a territory extending from the Coquille River to the southern boundary of Oregon, and from the Pacific Ocean

of 1851 says: 'Every murder, theft, and raid upon us from Fort Laramie to Grande Ronde we could trace to Mormon influences and plans. I recorded very many instances of thefts, robberies, and murders on the journey in my journal.' *Portland West Shore*, Feb. 1876. I find no ground whatever for this assertion. But whatever the cause, they were an alarming feature of the time, and called for government interference. Hence a petition to congress in the memorial of the legislature for troops to be stationed at the several posts selected in 1849 or at other points upon the road; and of a demand of Lane's, that the rifle regiment should be returned to Oregon to keep the Indians in check. *32d Cong., 1st Sess., Cong. Globe*, 1851–2, i. 507. When Superintendent Dart was in the Nez Percé country that tribe complained of the depredations of the Shoshones, and wished to go to war. Dart, however, exacted a promise to wait a year, and if then the United States had not redressed their wrongs, they should be left at liberty to go against their enemies. If the Nez Percés had been allowed to punish the Shoshones it would have saved the lives of many innocent persons and a large amount of government money.

[22] *Or. Statesman*, Aug. 19, 1851; *Or. Spectator*, Dec. 2, 1851.

to a line drawn fifty miles east, eighty miles in length, covering an area of two and a half million acres, most of which was mountainous and heavily timbered, with a few small valleys on the coast and in the interior,[23] for the sum of twenty-eight thousand five hundred dollars, payable in ten annual instalments, no part of which was to be paid in money. Thirteen treaties in all were concluded with different tribes, by the superintendent, for a quantity of land amounting to six million acres, at an average cost of not over three cents an acre.[24]

In November Dart left Oregon for Washington, taking with him the several treaties for ratification, and to provide for carrying them out.

The demand for the office of an Indian agent in western Oregon began in 1849, or as soon as the Indians learned that white men might be expected to travel through their country with horses, provisions, and property of various kinds, which they might be desirous to have. The trade in horses was good in the mines of California, and Cayuse stock was purchased and driven there by Oregon traders, who made a large profit.[25] Many miners also returned from California overland, and in doing so had frequent encounters with Indians, generally at the crossing of Rogue River.[26] The ferrying at this place was performed in canoes, made for the occasion, and which, when used and left, were stolen by the Indians to compel the next party to make another, the delay affording opportunity for

[23] *32d Cong., 1st Sess., H. Ex. Doc. 2*, pt. iii. 483.

[24] After his return from his expedition east of the Cascade Range, Dart seemed to have practised an economy which was probably greatly suggested by the strictures of the democratic press upon the proceedings of the previous commission. 'All the expense,' he says, referring to the Coquille country, 'of making these treaties, adding the salaries of the officers of government, while thus engaged, would make the cost of the land less than one cent and a half per acre.' *32d Cong., 1st Sess., H. Ex. Doc. 2*, pt. iii. And in the *California Courier* he says the total cost of negotiating the whole thirteen treaties was, including travelling expenses, about $3,000. *Or. Statesman, Report*, Dec. 9, 1861.

[25] *Honolulu Friend*, Aug. 24, 1850.

[26] *Hancock's Thirteen Years*, MS.; *Johnson's Cal. and Or.*, 121-2, 133.

falling on them should they prove unwary. After several companies had been attacked the miners turned upon the Indians and became the assailants. And to stop the stealing of canoes, left for the convenience of those in the rear, some miners concealed themselves and lay in wait for the thieves, who when they entered the canoe were shot. However beneficial this may have been for the protection of the ferry it did not mend matters in a general way. If the Indians had at first been instigated simply by a desire for plunder,[27] they had now gained from the retaliation of the Americans another motive—revenge.

In the spring of 1850 a party of miners, who had collected a considerable sum in gold-dust in the placers of California and were returning home, reached the Rogue River, crossing one day, toward sunset, and encamped about Rock Point. They did not keep a very careful watch, and a sudden attack caused them to run to cover, while the Indians plundered the camp of everything of value, including the bags of gold-dust. But one man, who had his treasure on his person, escaped being robbed.

It was to settle with these rogues for this and like transactions that Lane set out in May or June 1850 to visit southern Oregon, as before mentioned. The party consisted of fifteen white men, and the same number of Klickitats, under their chief Quatley, the determined enemy of the Rogue River people. Quatley was told what was expected of him, which was not to fight unless it become necesary, but to assist in making a treaty. They overtook on the way some cattle-drivers going to California, who travelled with

[27] *Barnes' Or. and Cal.*, MS., 13. Says Lane, speaking of the chief at Rogue River, over whom he obtained a strong influence: 'Joe told me that the first time he shed white blood, he, with another Indian, discovered late in the afternoon two whites on horseback passing through their country. At first they thought these might be men intending some mischief to their people, but having watched them to their camp and seen them build their fire for the night, they conceived the idea of murdering them for the sake of the horses and luggage. This they did, taking their scalps. After that they always killed any whites they could for the sake of plunder.' *Autobiography*, MS., 148.

them, glad of an escort. All were well mounted, with plenty of provisions on pack-horses, and well armed. They proceeded leisurely, and stopped to hunt and dry venison in the valley of Grave Creek. About the middle of June they arrived at Rogue River, and encamped near the Indian villages, Lane sending word to the principal chief that he had come to talk with him and his people, and to make a treaty of peace and friendship. To this message the chief returned answer that he would come in two days with all his people, unarmed, as Lane stipulated.

Accordingly, the two principal chiefs and about seventy-five warriors came and crossed to the south side, where Lane's company were encamped. A circle was formed, Lane and the chiefs standing inside the ring. But before the conference began a second band, as large as the first, and fully armed with bows and arrows, began descending a neighboring hill upon the camp. Lane told Quatley to come inside the ring, and stand, with two or three of his Indians, beside the head Rogue River chief. The new-comers were ordered to lay down their arms and be seated, and the business of the council proceeded, Lane keeping a sharp lookout, and exchanging significant glances with Quatley and his party. The occasion of the visit was then fully explained to the people of Rogue River; they were reminded of their uniform conduct toward white men, of their murders and robberies, and were told that hereafter white people must travel through their country in safety; that their laws had been extended over all that region, and if obeyed every one could live in peace; and that if the Indians behaved well compensation would be made them for their lands that might be settled upon, and an agent sent to see that they had justice.

Following Lane's speech, the Rogue River chief addressed, in loud, deliberate tones, his people, when presently they all rose and raised the war-cry, and those who had arms displayed them. Lane told Quat-

ley to hold fast the head chief, whom he had already seized, and ordering his men not to fire, he sprang with revolver in hand into the line of the traitors and knocked up their guns, commanding them to be seated and lay down their arms. As the chief was a prisoner, and Quatley held a knife at his throat, they were constrained to obey. The captive chief, who had not counted upon this prompt action, and whose brothers had previously disposed themselves among their people to be ready for action, finding his situation critical, told them to do as the white chief had said. After a brief consultation they rose again, being ordered by the chief to retire and not to return for two days, when they should come in a friendly manner to another council. The Indians then took their departure, sullen and humiliated, leaving their chief a prisoner in the hands of the white men, by whom he was secured in such a manner that he could not escape.

Lane used the two days to impress upon the mind of the savage that he had better accept the offered friendship, and again gave him the promise of government aid if he should make and observe a treaty allowing white men to pass safely through the country, to mine in the vicinity, and to settle in the Rogue River Valley.[28] By the time his people returned, he had become convinced that this was his best course, and advised them to accept the terms offered, and live in peace, which was finally agreed to. But the gold-dust of the Oregon party they had robbed in the spring was gone past all reclaim, as they had, without knowing its value, poured it all into the river, at a point where it was impossible to recover it. Some property of no value was given up; and thus was made the first

[28] 'The morning after the chief had been made a prisoner his old wife (he had several others, but said he only loved his first wife) came very cautiously to the bank of the river opposite, and asked to come over and stay with her chief; that she did not wish to be free while he was a prisoner. She was told to come and stay, and was kindly treated.' *Lane's Autobiography*, MS., 94-5.

treaty with this tribe, a treaty which was observed with passable fidelity for about a year.[29]

The treaty concluded, Lane gave the Indians slips of paper stating the fact, and warning white men to do them no injury. These papers, bearing his signature, became a talisman among these Indians, who on approaching a white man would hold one of them out exclaiming, "Jo Lane, Jo Lane," the only English words they knew. On taking leave the chief, whose name hereafter by consent of Lane was to be Jo, presented his friend with a boy slave from the Modoc tribe, who accompanied him to the Shasta mines to which he now proceeded, the time when his resignation was to take effect having passed. Here he dug gold, and dodged Indian arrows like any common miner until the spring of 1851, when he was recalled to Oregon.[30]

The gold discoveries of 1850 in the Klamath Valley caused an exodus of Oregonians thither early in the following year; and notwithstanding Lane's treaty with Chief Jo, great vigilance was required to prevent hostile encounters with his tribe as well as with that of the Umpqua Valley south of the cañon.[31] It

[29] Like many another old soldier Lane loved to boast of his exploits. 'He asked the interpreter the name of the white chief,' says the general, 'and requested me to come to him as he wanted to talk. As I walked up to him he said, "Mika name Jo Lane?" I said, "Nawitka," which is "Yes." He said, "I want you to give me your name, for," said he, "I have seen no man like you." I told the interpreter to say to him that I would give him half my name, but not all; that he should be called Jo. He was much pleased, and to the day of his death he was known as Jo. At his request I named his wife, calling her Sally. They had a son and a daughter, a lad of fourteen, the girl being about sixteen. She was quite a young queen in her manner and bearing, and for an Indian quite pretty. I named the boy Ben, and the girl Mary.' *Lane's Autobiography*, MS., 96–8.

[30] *Sacramento Transcript*, Jan. 14, 1851. Lane had his adventures in the mines, some of which are well told in his *Autobiography*. While on Pit River, his Modoc boy, whom he named John, and who from being kindly treated became a devoted servant, was the means of saving his life and that of an Oregonian named Driscoll. pp. 88–108.

[31] Cardwell, in his *Emigrant Company*, MS., 2–11, gives a history of his personal experience in travelling through and residing in Southern Oregon in 1851 with 27 others. The Cow-creek Indians followed and annoyed them for some distance, when finally one of them was shot and wounded in the act of taking a horse from camp. At Grave creek, in Rogue River Valley, three

soon became evident that Jo, even if he were honestly intentioned, could not keep the peace, the annoying and often threatening demonstrations of his people leading to occasional overt acts on the part of the miners, a circumstance likely to be construed by the Indians as sufficient provocation to further and more pronounced hostility.

Some time in May a young man named Dilley was treacherously murdered by two Rogue River Indians, who, professing to be friendly, were travelling and camping with three white men. They rose in the night, took Dilley's gun, the only one in the party, shot him while sleeping, and made off with the horses and property, the other two men fleeing back to a company in the rear. On hearing of it thirty men of Shasta formed a company, headed by one Long, marched over the Siskiyou, and coming upon a band at the crossing of Rogue River, killed a sub-chief and one other Indian, took two warriors and two daughters of another chief prisoners, and held them as hostages for the delivery of the murderers of Dilley. The chief refused to give up the guilty Indians, but threatened instead to send a strong party to destroy Long's com-

Indians pretending to be friendly offered to show his party where gold could be found on the surface of the ground, telling their story so artfully that cross-questioning of the three separately did not show any contradiction in their statements, and the party consented to follow these guides. On a plain, subsequently known as Harris flat, the wagons stopped and 11 men were left to guard them, while the rest of the company kept on with the Indians. They were led some distance up Applegate creek, where on examining the bars fine gold was found, but none of the promised nuggets. When the men began prospecting the stream the Indians collected on the sides of the hills above them, yelling and rolling stones down the descent. The miners, however, continued to examine the bars up the stream, a part of them standing guard rifle in hand; working in this manner two days and encamping in open ground at night. On the evening of the second day their tormentors withdrew in that mysterious manner which precedes an attack, and Cardwell's party fled in haste through the favoring darkness relieved by a late moon, across the ridge to Rogue River. At Perkins' ferry, just established, they found Chief Jo, who was rather ostentatiously protecting this first white settlement. While breakfasting a pursuing party of Indians rode up within a short distance of camp where they were stopped by the presented rifles of the white men. Jo called this a hunting party and assured the miners they should not be molested in passing through the country; on which explanation and promise word was sent to the wagon train, and the company proceeded across the Siskiyou Mountains to Shasta flat, where they discovered good mines on the 12th of March.

pany, which remained at the crossing awaiting events.[32] It does not appear that Long's party was attacked, but several unsuspecting companies suffered in their stead. These attacks were made chiefly at one place some distance south of the ferry where Long and his men encamped.[33] The alarm spread throughout the southern valleys, and a petition was forwarded to Governor Gaines from the settlers in the Umpqua for permission to raise a company of volunteers to fight the Indians. The governor decided to look over the field before granting leave to the citizens to fight, and repaired in person to the scene of the reported hostilities.

The *Spectator*, which was understood to lean toward Gaines and the administration, as opposed to the *Statesman* and democracy, referring to the petition remarked that leave had been asked to march into the Indian country and slay the savages wherever found; that the prejudice against Indians was very strong in the mines and daily increasing; and that no doubt this petition had been sent to the governor to secure his sanction to bringing a claim against the government for the expenses of another Indian war.

One of Thurston's measures had been the removal

[32] *Or. Statesman*, June 20, 1851; *Or. Spectator*, June 19, 1851.

[33] On the 1st of June 26 men were attacked at the same place, and an Indian was killed in the skirmish. On the 2d four men were set upon in this camp and robbed of their horses and property, but escaped alive to Perkins' ferry; and on the same day a pack-train belonging to one Nichols was robbed of a number of animals with their packs, one of the men being wounded in the heel by a ball. Two other parties were attacked on the same day, one of which lost four men. On the 3d of June McBride and 31 others were attacked in camp south of Rogue River. A. Richardson, of San José, California, James Barlow, Captain Turpin, Jesse Dodson and son, Aaron Payne, Dillard Holman, Jesse Runnels, Presley Lovelady, and Richard Sparks of Oregon were in the company and were commended for bravery. *Or. Statesman*, June 20, 1851. There were but 17 guns in the party, while the Indians numbered over 200, having about the same number of guns besides their bows and arrows, and were led by a chief known as Chucklehead. The attack was made at daybreak, and the battle lasted four hours and a half, when Chucklehead being killed the Indians withdrew. It was believed that the Rogue River people lost several killed and wounded. None of the white men were seriously hurt, owing to the bad firing of the Indians, not yet used to guns, not to mention their station on the top of a hill. Three horses, a mule, and $1,500 worth of other property and gold-dust were taken by the Indians.

from the territory of the United States troops, which after years of private and legislative appeal were at an enormous expense finally stationed at the different posts according to the desire of the people. He represented to congress that so far from being a blessing they were really a curse to the country, which would gladly be rid of them. To his constituents he said that the cost of maintaining the rifle regiment was four hundred thousand dollars a year. He proposed as a substitute to persuade congress to furnish a good supply of arms, ammunition, and military stores to Oregon, and authorize the governor to call out volunteers when needed, both as a saving to the government and a means of profit to the territory, a part of the plan being to expend one hundred thousand dollars saved in goods for the Indians, which should be purchased only of American merchants in Oregon.

Thurston's plan had been carried out so far as removing the rifle regiment was concerned, which in the month of April began to depart in divisions for California, and thence to Jefferson Barracks;[34] leaving on the 1st of June, when Major Kearney began his march southward with the last division, only two skeleton companies of artillerymen to take charge of the government property at Steilacoom, Astoria, Vancouver, and The Dalles. He moved slowly, examining the country for military stations, and the best route for a military road which should avoid the Umpqua cañon. On arriving at Yoncalla,[35] Kearney

[34] *Brackett's U. S. Cavalry*, 129; *Or. Spectator*, April 10, 1851; *Or. Statesman*, May 30, 1851; *32d Cong., 1st Sess., H. Ex. Doc. 2*, pt. i. 144–53.

[35] Yoncalla is a compound of *yonc*, eagle, and *calla* or *calla-calla*, bird or fowl, in the Indian dialect. It was applied as a name to a conspicuous butte in the Umpqua Valley, at the foot of which Jesse Applegate made his home, a large and hospitable mansion, now going to ruin. Applegate agreed to assist Kearney only in case of a better route than the cañon road being discovered, his men should put it in condition to be travelled by the immigration that year, to which Kearney consented, and a detachment of 28 men, under Lieutenant Williamson, accompanied by Levi Scott as well as Applegate, began the reconnoissance about the 10th of June, the main body of Kearney's command travelling the old road. It was almost with satisfaction that Applegate and Scott found that no better route than the one they opened in 1846 could be discovered, since it removed the reproach of their

consulted with Jesse Applegate, whom he prevailed upon to assist in the exploration of the country east of the cañon, in which they were engaged when the Indian war began in Rogue River Valley.

The exploring party had proceeded as far as this pass when they learned from a settler at the north end of the cañon, one Knott, of the hostilities, and that the Indians were gathered at Table Rock, an almost impregnable position about twenty miles east of the ferry on Rogue River.[36] On this information Kearney, with a detachment of twenty-eight men, took up the march for the Indian stronghold with the design of dislodging them. A heavy rain had swollen the streams and impeded his progress, and it was not until the morning of the 17th of June that he reached Rogue River at a point five miles distant from Table Rock. While looking for a ford indications of Indians in the vicinity were discovered, and Kearney hoped to be able to surprise them. He ordered the command to fasten their sabres to their saddles to prevent noise, and divided his force, a part under Captain Walker crossing to the south side of the river to intercept any fugitives, while the remainder under Captain James Stuart kept upon the north side.

Stuart soon came upon the Indians who were prepared for battle. Dismounting his men, who in their haste left their sabres tied to their saddles, Stuart made a dash upon the enemy. They met him with equal courage. A brief struggle took place in which eleven Indians were killed and several wounded. Stuart himself was matched against a powerful warrior, who had been struck more than once without

enemies that they were to blame for not finding a better one at that time. None other has ever been found, though Applegate himself expected when with Kearney to be able to get a road saving 40 miles of travel. *Ewald*, in *Or. Statesman*, July 22, 1851.

[36] Table Rock is a flat-topped mountain overhanging Rogue River. Using the rock as a watch-tower, the Indians in perfect security had a large extent of country and a long line of road under their observation, and could determine the strength of any passing company of travellers and their place of encampment, before sallying forth to the attack. *Or. Statesman*, July 22, 1851.

meeting his death. As the captain approached, the savage, though prostrate, let fly an arrow which pierced him through, lodging in the kidneys, of which wound he died the day after the battle.[37] Captain Peck was also wounded severely, and one of the troops slightly.

The Indians, who were found to be in large numbers, retreated upon their stronghold, and Kearney also fell back to wait for the coming-up of lieutenants Williamson and Irvine with a detachment, and the volunteer companies hastily gathered among the miners.[38] Camp was made at the mouth of a tributary of Rogue River, entering a few miles below Table Rock, which was named Stuart creek after the dying captain. It was not till the 23d that the Indians were again engaged. A skirmish occurred in the morning, and a four hours' battle in the afternoon of that day. The Indians were stationed in a densely wooded hummock, which gave them the advantage in point of position, while in the matter of arms the

[37] Brackett, in his *U. S. Cavalry*, calls this officer 'the excellent and beloved Captain James Stuart.' The nature of the wound caused excruciating pain, but his great regret was that after passing unharmed through six hard battles in Mexico he should die in the wilderness at the hands of an Indian. It is doubtful, however, if death on a Mexican battle-field would have brought with it a more lasting renown. Stuart Creek on which he was interred—camp being made over his grave to obliterate it—and the warm place kept for him in the hearts of Oregonians will perpetuate his memory. *Cardwell's Emigrant Company*, MS., 14; *Or. Statesman*, July 8, 1851; *S. F. Alta*, July 16, 1851; *State Rights Democrat*, Dec. 15th and 22, 1876.

[38] Cardwell relates that his company were returning from Josephine creek—named after a daughter of Kirby who founded Kirbyville—on their way to Yreka, when they met Applegate at the ferry on Rogue River, who suggested that it 'would be proper enough to assist the government troops and Lamerick's volunteers to clean out the Indians in Rogue River Valley.' Thirty men upon this suggestion went to Willow Springs on the 16th, upon the understanding that Kearney would make an attack next day near the mouth of Stuart's creek, when it was thought the Indians would move in this direction, and the volunteers could engage them until the troops came up. 'At daylight the following morning,' says Cardwell, 'we heard the firing commence. It was kept up quite briskly for about fifteen minutes. There was a terrible yelling and crying by the Indians, and howling of dogs during the battle.' *Emigrant Company*, MS., 12; *Crane's Top. Mem.*, MS., 40. The names of Applegate, Scott, Boone, T'Vault, Armstrong, Blanchard, and Colonel Tranor from California, are mentioned in Lane's correspondence in the *Or. Statesman* July 22, 1851, as ready to assist the troops. I suppose this to be James W. Tranor, formerly of the New Orleans press, 'an adventurous pioneer and brilliant newspaper writer,' who was afterward killed by Indians while crossing Pit River. *Oakland Transcript*, Dec. 7, 1872.

troops were better furnished. In these battles the savages again suffered severely, and on the other side several were wounded but none killed.

While these events were in progress both Gaines and Lane were on their way to the scene of action. The governor's position was not an enviable one. Scarcely were the riflemen beyond the Willamette when he was forced to write the president representing the imprudence of withdrawing the troops at this time, no provision having been made by the legislature for organizing the militia of the territory, or for meeting in any way the emergency evidently arising.[39] The reply which in due time he received was that the rifle regiment had been withdrawn, first because its services were needed on the frontier of Mexico and Texas, and secondly because the Oregon delegate had assured the department that its presence in Oregon was not needed. In answer to the governor's suggestion that a post should be established in southern Oregon, the secretary gave it as his opinion that the commanding officer in California should order a reconnoissance in that part of the country, with a view to selecting a proper site for such a post without loss of time. But with regard to troops, there were none that could be sent to Oregon; nor could they, if put en route at that time, it being already September, reach there in time to meet the emergency. The secretary therefore suggested that companies of militia might be organized, which could be mustered into service for short periods, and used in conjunction with the regular troops in the pursuit of Indians, or as the exigencies of the service demanded.

Meanwhile Gaines, deprived entirely of military support, endeavored to raise a volunteer company at Yoncalla to escort him over the dangerous portion of the route to Rogue River; but most of the men of Umpqua, having either gone to the mines or to reënforce

[39] *32d Cong., 1st Sess., H. Ex. Doc. 2*, pt. i. 145; *Or. Spectator*, Aug. 12, 1851.

Kearney, this was a difficult undertaking, detaining him so that it was the last of the month before he reached his destination. Lane having already started south to look after his mining property before quitting Oregon for Washington arrived at the Umpqua cañon on the 21st, where he was met by a party going north, from whom he obtained the news of the battle of the 17th and the results, with the information that more fighting was expected. Hastening forward with his party of about forty men he arrived at the foot of the Rogue River mountains on the night of the 22d, where he learned from an express rider that Kearney had by that time left camp on Stuart creek with the intention of making a night march in order to strike the Indians at daybreak of the 23d.

He set out to join Kearney, but after a hard day's ride, being unsuccessful, proceeded next morning to Camp Stuart with the hope of learning something of the movements of Kearney's command. That evening Scott and T'Vault came to camp with a small party, for supplies, and Lane returned with them to the army, riding from nine o'clock in the evening to two o'clock in the morning, and being heartily welcomed both by Kearney and the volunteers.

Early on the 25th, the command moved back down the river to overtake the Indians, who had escaped during the night, and crossing the river seven miles above the ferry found the trail leading up Sardine creek, which being followed brought them up with the fugitives, one of whom was killed, while the others scattered through the woods like a covey of quail in the grass. Two days were spent in pursuing and taking prisoners the women and children, the men escaping. On the 27th the army scoured the country from the ferry to Table Rock, returning in the evening to Camp Stuart, when the campaign was considered as closed. Fifty Indians had been killed and thirty prisoners taken, while the loss to the white warriors, since the first battle, was a few wounded.

The Indians had at the first been proudly defiant, Chief Jo boasting that he had a thousand warriors, and could keep that number of arrows in the air continually. But their pride had suffered a fall which left them apparently humbled. They complained to Lane, whom they recognized, talking across the river in stentorian tones, that white men had come on horses in great numbers, invading every portion of their country. They were afraid, they said, to lie down to sleep lest the strangers should be upon them. They wearied of war and wanted peace.[40] There was truth as well as oratorical effect in their harangues, for just at this time their sleep was indeed insecure; but it was not taken into account by them that they had given white men this feeling of insecurity of which they complained.

Now that the fighting was over Kearney was anxious to resume his march toward California, but was embarrassed with the charge of prisoners. The governor had not yet arrived; the superintendent of Indian affairs was a great distance off in another part of the territory; there was no place where they could be confined in Rogue River valley, nor did he know of any means of sending them to Oregon City. But he was determined not to release them until they had consented to a treaty of peace. Sooner than do that he would take them with him to California and send them back to Oregon by sea. Indeed he had proceeded with them to within twenty-five miles of Shasta Butte, a mining town afterward named Yreka,[41] when Lane, who when his services were no longer needed in the field had continued his journey to Shasta Valley, again came to his relief by offering to escort the prisoners to Oregon City whither he was about to return, or to deliver them to the governor or super-

[40] *Letter of Lane*, in *Or. Statesman*, July 22, 1851.

[41] It is said that the Indians called Mount Shasta Yee-ka, and that the miners having caught something of Spanish orthography and pronunciation changed it to Yreka; hence Shasta Butte city became Yreka. *E. Steele*, in *Or. Council, Jour. 1857–8*, app. 44.

intendent of Indian affairs wherever he might find them. Lieutenant Irvine,[42] from whom Lane learned Kearney's predicament, carried Lane's proposition to the major, and the prisoners were at once sent to his care, escorted by Captain Walker. Lane's party[43] set out immediately for the north, and on the 7th of July delivered their charge to Governor Gaines, who had arrived at the ferry, where he was encamped with fifteen men waiting for his interpreters to bring the Rogue River chiefs to a council, his success in which undertaking was greatly due to his possession of their families. Lane then hastened to Oregon City to embark for the national capital, having added much to his reputation with the people by his readiness of action in this first Indian war west of the Cascade Mountains, as well as in the prompt arrest of the deserting riflemen in the spring of 1850. To do, to do quickly, and generally to do the thing pleasing to the people, of whom he always seemed to be thinking, was natural and easy for him, and in this lay the secret of his popularity.

When Gaines arrived at Rogue River he found Kearney had gone, not a trooper in the country, and the Indians scattered. He made an attempt to collect them for a council, and succeeded, as I have intimated, by means of the prisoners Lane brought him, in inducing about one hundred, among whom were eleven head men, to agree to a peace. By the terms of the treaty, which was altogether informal, his commission having been withdrawn, the Indians placed

[42] Irvine, who was with Williamson on a topographical expedition, had an adventure before he was well out of the Shasta country with two Indians and a Frenchman who took him prisoner, bound him to a tree, and inflicted some tortures upon him. The Frenchman who was using the Indians for his own purposes finally sent them away on some pretence, and taking the watch and valuables belonging to Irvine sat down by the camp-fire to count his spoil. While thus engaged the lieutenant succeeded in freeing himself from his bonds, and rushing upon the fellow struck him senseless for a moment. On recovering himself the Frenchman struggled desperately with his former prisoner but was finally killed and Irvine escaped. *Or. Statesman*, Aug. 5, 1851.

[43] Among Lane's company were Daniel Waldo, Hunter, and Rust of Kentucky, and Simonson of Indiana.

themselves under the jurisdiction and protection of the United States, and agreed to restore all the property stolen at any time from white persons, in return for which promises of good behavior they received back their wives and children and any property taken from them. There was nothing in the treaty to prevent the Indians, as soon as they were reunited to their families, from resuming their hostilities; and indeed it was well known that there were two parties amongst them—one in favor of war and the other opposed to it, but the majority for it. Though so severely punished, the head chief of the war party refused to treat with Kearney, and challenged him to further combat, after the battle of the 23d. It was quite natural therefore that the governor should qualify his belief that they would observe the treaty, provided an efficient agent and a small military force could be sent among them. And it was no less natural that the miners and settlers should doubt the keeping of the compact, and believe in a peace procured by the rifle.

CHAPTER VIII.

PLAUSIBLE PACIFICATION.

1851-1852.

Officers and Indian Agents at Port Orford—Attitude of the Coquilles—U. S. Troops Ordered out—Soldiers as Indian-fighters—The Savages too Much for Them—Something of Scarface and the Shastas—Steele Secures a Conference—Action of Superintendent Skinner—Much Ado about Nothing—Some Fighting—An Insecure Peace—More Troops Ordered to Vancouver.

General Hitchcock, commanding the Pacific division at Benicia, California, on hearing Kearny's account of affairs between the Indians and the miners, made a visit to Oregon; and having been persuaded that Port Orford was the proper point for a garrison, transferred Lieutenant Kautz and his company of twenty men from Astoria, where the governor had declared they were of no use, to Port Orford, where he afterward complained they were worth no more. At the same time the superintendent of Indian affairs, with agents Parrish and Spalding, repaired to the southern coast to treat if possible with its people. They took passage on the propeller *Seagull*, from Portland, on the 12th of September, 1851, T'Vault's party being at that time in the mountains looking for a road. The *Seagull* arrived at Port Orford on the 14th, two days before T'Vault and Brush were returned to that place, naked and stiff with wounds, by the charitable natives of Cape Blanco.

The twofold policy of the United States made it the duty of the superintendent to notice the murderous

conduct of the Coquilles. As Dart had come to treat, he did not wish to appear as an avenger; neither did he feel secure as conciliator. It was at length decided to employ the Cape Blanco native, who undertook to ascertain the whereabouts, alive or dead, of the seven men still missing of the T'Vault party. This he did by sending two women of his tribe to the Coquille River, where the killing of five, and probable escape of the rest, was ascertained. The women interred the mangled bodies in the sand.

The attitude of the Coquilles was not assuring. To treat with them while they harbored murderers would not do; and how to make them give them up without calling on the military puzzled the superintendent. Finally Parrish, whose residence among the Clatsops had given him some knowledge of the coast tribes, undertook to secure hostages, but failed.[1] Dart returned to Portland about the 1st of October, leaving his interpreter with Kautz.

Between the visits of Governor Gaines to Rogue River and Dart to Port Orford, disturbances had been resumed in the former region. Gaines had agreed upon a mutual restitution of property or of its value, which was found not to work well, the miners being as much dissatisfied as the Indians. From this reason, and because the majority of the Rogue River natives were not parties to the treaty, not many weeks had elapsed after Gaines returned to Oregon City before depredations were resumed. A settler's cabin was broken into on Grave Creek, and some travellers were fired on from ambush;[2] rumors of which reaching the superintendent before leaving the Willamette, he sent a messenger to request the Rogue River chiefs to meet him at Port Orford. Ignorance of Indian ways, unpardonable in a superintendent, could alone have caused so great a blunder. Not only did they refuse thus to go into their neighbor's territory,

[1] *Or. Anecdotes*, MS., 58–61.
[2] *Or. Statesman*, Sept. 2, 9, 16, and 30, 1851.

but made the request an excuse for further disturbances.[3] Again, there were white men in this region who killed and robbed white men, charging their crimes[4] upon the savages. Indian Agent Skinner held conferences with several bands at Rogue River, all of whom professed friendship and accepted presents;[5] in which better frame of mind I will leave them and return to affairs at Port Orford.

When intelligence of the massacre on the Coquille was received at division headquarters in California, punishment was deemed necessary, and as I have before mentioned, a military force was transferred to the Port Orford station. The troops, commanded by Lieutenant-colonel Casey of the 2d infantry, were portions of companies E and A, 1st dragoons dismounted, lieutenants Thomas Wright and George Stoneman, and company C with their horses. The dismounted men arrived at Port Orford October 22d, and the mounted men by the next steamer, five days later. On the 31st the three companies set out for the mouth of the Coquille, arriving at their destination November 3d, Colonel Casey and Lieutenant Stanton leading the mounted men, with Brush, a survivor of the massacre, as guide, and a few stragglers. The Coquilles were bold and brave. One of them meeting Wright away from camp attempted to wrest from him his rifle, and was shot by that officer for his temerity. On the 5th the savages assembled on the

[3] Two drovers, Moffat and Evans, taking a herd of swine to the Shasta mines, encamped with two others near the foot of the Siskiyou Mountains, their hogs eating the acorns used as food by the natives, who demanded a hog in payment. One of them pointed his gun at a pig as if to shoot, whereupon Moffat drew his pistol, and accidentally discharging it, hurt his hand. Irritated by the pain, Moffat fired at the Indian, killing him. Another Indian then fired at Moffat, giving him a mortal wound. In the excitement, Evans and the Indians exchanged shots, wounds being received on both sides. Moffat was from Philadelphia, where he had a family. *Or. Statesman*, Nov. 11 and 25, 1851; *Or. Spectator*, Jan. 6, 1852.

[4] There was at this time on the southern border of Oregon an organized band of desperadoes, white men, half-breeds, and Indians, who were the terror of the miners. See *Popular Tribunals*, this series, passim.

[5] *U. S. Sen. Doc.*, 32d cong. 2d sess., i. 453.

north bank to the number of one hundred and fifty, and by their gesticulations challenged the troops to battle. The soldiers fired across the river, the Coquilles returning the fire with the guns taken from T'Vault's party;[6] but no damage was done. Constructing a raft, the main body crossed to the north side on the 7th in a cold drenching rain, while Stanton proceeded up the south side, ready to coöperate with Casey when the Indians, who had now retreated up the stream, should be found. It was soon ascertained that a campaign on the Coquille was no trifling matter. The savages were nowhere to be found in force, having fled toward head waters, or a favorable ambush. Marching in order was not to be thought of; and after several days of wading through morasses, climbing hills, and forcing a way among the undergrowth by day and sleeping under a single wet blanket at night, the order to retreat was given. Nothing had been met with on the route but deserted villages, which were invariably destroyed, together with the winter's store of provisions—a noble revenge on innocent women and children, who must starve in consequence. Returning to the mouth of the river, Casey sent to Port Orford for boats to be brought overland, on the arrival of which the campaign was recommenced on a different plan.

In three small boats were crowded sixty men, in such a manner that their arms could not be used; and so they proceeded up the river for four days, finding no enemy. At the forks, the current being strong, the troops encamped. It was now the 20th of November, and the weather very inclement. On the 21st Casey detailed Stoneman to proceed up the south branch with one boat and fourteen men; while Wright

[6] T'Vault says there were eight rifles, one musket, one double-barrelled pistol, one Sharp's patent 36 shooting-rifle, one Colt's six-shooter, one brace holster pistols, with ammunition, and some blankets. Here were fourteen shooting-arms, many of them repeating, yet the party could not defend themselves on account of the suddenness and manner of the attack. *Or. Statesman*, Oct. 7, 1851.

with a similar force ascended the north branch, looking for Indians. After advancing six or eight miles, Stoneman discovered the enemy in force on both banks. A few shots were fired, and the party returned and reported. In the course of the afternoon Wright also returned, having been about eighteen miles up the north branch without finding any foe. On the 22d the whole command set out toward the Indian camp on the south branch, taking only two boats, with five men in each, the troops marching up the right bank to within half a mile of the point aimed at, when Stoneman crossed to the left bank with one company, and the march was resumed in silence, the boats continuing to ascend with equal caution. The Indians were found assembled at the junction. When the boats were within a hundred and fifty yards of them the savages opened fire with guns and arrows. Wright then made a dash to the river bank, and with yells drove the savages into concealment. Meanwhile Stoneman was busy picking off certain of the enemy stationed on the bank to prevent a landing.

The engagement lasted only about twenty minutes, and the Coquilles had now scampered into the woods, where it would be useless to attempt to follow them. Fifteen were killed and many appeared to be wounded. Their lodges and provisions were burned, while their canoes were carried away. Casey, who was with Wright on the north bank, joined in the fighting with enthusiasm, telling the men to take good aim and not throw away shots.[7]

The troops returned to the mouth of the river, where they remained for a few days, and then marched back to Port Orford, and took passage on the *Columbia* for San Francisco, where they arrived on the 12th

[7] The above details are mostly from the letter of a private soldier, written to his brother in the east. Before the letter was finished the writer was drowned in the Sixes River near Cape Blanco, while riding express from Port Orford to Lieut. Stoneman's camp at the mouth of the Coquille. The letter was published in the *Alta California*, Dec. 14, 1851. It agrees with other but less particular accounts, in the *S. F. Herald* of Dec. 4, 1851, and *Or. Statesman*, Dec. 16 and 30, 1851. See also *Davidson's Coast Pilot*, 119.

of December.[8] This expedition cost the government some twenty-five thousand dollars,[9] and resulted in killing a dozen or more Indians, which coming after the late friendly professions of Indian Agent Parrish, did not tend to confidence in the promises of the government, or increase the safety of the settlers.[10]

I have told how Stanton returned to Oregon with troops to garrison Fort Orford, being shipwrecked and detained four months at Coos Bay. He had orders to explore for a road to the interior, in connection with Williamson, who had already begun this survey. The work was prosecuted with energy, and finished in the autumn of 1852.

The presents distributed by Skinner had not the virtue to preserve lasting tranquillity in the mining region. In the latter part of April 1852, a citizen of Marion county returning from the mines was robbed of his horse and other property in the Grave Creek hills by Rogue River Indians. This act was followed by other interruption of travellers, and demand for pay for passing fords.[11] Growing bolder, robbery was followed by murder, and then came war.[12]

On the 8th of July, a Shasta, named Scarface, a

[8] *Cal. Courier*, Dec. 13, 1851.

[9] *Report of Major Robert Allen*, in U. S. H. Ex. Doc. 2, vol. ii. part 1, p. 150, 32d cong. 1st sess.

[10] 'The commanders went without an interpreter to the Coquille village, and just banged away until they gratified themselves, and then went to Port Orford and back to San Francisco.' *Parrish's Or. Anecdotes*, MS., 66. See also *Alta California*, Dec. 14, 1851.

[11] *Hearne's Cal. Sketches*, MS., 2.

[12] In the early spring of 1852 a party of five men, led by James Coy, left Jacksonville to look for mining ground toward the coast. Having discovered some good diggings on a tributary of Illinois River, now called Josephine Creek, they were following up the right branch, when they discovered, three miles above the junction, the remains of two white men, evidently murdered by the Indians. Being few in number, they determined to return and reënforce. Camping at night at the mouth of Josephine Creek, they were attacked by a large force. They kept the enemy at bay until the next night, when one of the men crowded through their lines, and hastened to Jacksonville for aid. All that day, and the next, and until about ten o'clock on the third, the besieged defended their little fortress, when a party of 35 came down the mountain to their relief; and finding the country rich in mines, took up claims, and made the first permanent settlement in Illinois Valley. *Scraps Southern Or. Hist.*, in *Ashland Tidings*, Sept. 20, 1878.

notorious villain, who had killed his chief and usurped authority, murdered one Calvin Woodman, on Indian Creek, a small tributary of the Klamath. The white men of Shasta and Scott's valleys arrested the head chief, and demanded the surrender of Scarface and his accomplice, another Shasta known as Bill. The captured chief not only refused, but made his escape. The miners then organized, and in a fight which ensued the sheriff was wounded, some horses being killed. Mr E. Steele was then living at Yreka. He had mined in the Shasta valley when Lane was digging gold in that vicinity. The natives had named him Jo Lane's Brother, and he had great influence with them. Steele had been absent at the time of the murder, but returning to Scott Valley soon after, found the Indians moving their families toward the Salmon River mountains, a sign of approaching trouble. Hastening to Johnson's rancho, he learned what had occurred, and also met there a company from Scott Bar prosecuting an unsuccessful search for the savages in the direction of Yreka. Next day, at the request of Johnson, who had his family at the rancho and was concerned for their safety, Steele collected the Indians in Scott Valley and held a council.

The Shastas, to which nation belonged the Rogue River tribes, were divided under several chiefs as follows: Tolo was the acknowledged head of those who lived in the flat country about Yreka; Scarface and Bill were over those in Shasta Valley; John of those in Scott Valley; and Sam and Jo of those in Rogue River Valley, having been formerly all under one chief, the father of John. On the death of the old chief a feud had arisen concerning the supremacy, which was interrupted by the appearance of white men, since which time each had controlled his own band. Then there were two chiefs who had their country at the foot of the Siskiyou Mountains on the north side, or south of Jacksonville, namely, Tipso, that is to say, The Hairy, from his heavy beard, and Sullix, or the Bad-tem-

pered, both of whom were unfriendly to the settlers and miners.[13] They also had wars with the Shastas on the south side of the Siskiyou,[14] and were altogether turbulent in their character.

The chiefs whom Steele induced to trust themselves inside Johnson's stockade for conference were Tolo, his son Philip, and John, with three of his brothers, one of whom was known as Jim. These affirmed that they desired peace, and said if Steele would accompany them they would go in search of the murderers. Accordingly a party of seven was formed, four more joining at Shasta cañon.[15] Proceeding to Yreka, Steele had some trouble to protect his savages from the citizens, who wished to hang them. But an order of arrest having been obtained from the county judge, the party proceeded, and in two days reached the hiding-place of Scarface and Bill. The criminals had fled, having gone to join Sam, brother of Chief Jo, Lane's namesake, who had taken up arms because Dr Ambrose, a settler, had seized the ground which was the winter residence of the tribe, and because he would not betroth his daughter to Sam's son, both children being still of tender age.

Tolo, Philip, and Jim then withdrew from the party of white men, substituting two young warriors, who were pledged to find Scarface and Bill, or suffer in their stead. A party under Wright then proceeded to the Klamath country. Steele went to Rogue River, hearing on the Siskiyou Mountain confirmation of the war rumor from a captured warrior, afterward shot in trying to effect his escape.

Rumors of disaffection reaching Table Rock,[16] seven-

[13] See *Cardwell's Em. Co.*, MS., 15, 7.

[14] *Id.*, 15–21; *Ashland Tid.*, Dec. 2, 9, 1876, and Sept. 20, 1878.

[15] The Scott Valley men were John McLeod, James Bruce, James White, Peter Snellback, John Galvin, and a youth called Harry. The four from Shasta were J. D. Cook, F. W. Merritt, L. S. Thompson, and Ben. Wright, who acted as interpreter.

[16] Jacksonville was at this time called Table Rock, though without relevance. The first journal published there was the *Table Rock Sentinel*. *Prim's Judicial Affairs in S. Or.*, MS., 3.

ty-five or eighty men, with John K. Lamerick as leader, volunteered to go and kill Indians. Hearing of it, Skinner hastened to prevent slaughter, but only obtained a promise not to attack until he should have had an opportunity of parley. A committee of four was appointed by the citizens of Table Rock to accompany the agent. They found Sam at his encampment at Big Bar, two miles from the house of Ambrose, and at no great distance from Stuart's former camp. Sam did not hesitate to cross to the south side to talk with Skinner. He declared himself for peace, and proposed to send for his brother Jo, with all his band, to meet the agent the following day; nor did he make any objection when told that a large number of white men would be present to witness the negotiations.

At this juncture, Steele arrived in the valley with his party and two Shastas, Skinner confessing to him that the situation was serious. He agreed, however, to Steele's request to make the delivery of the murderers one of the conditions of peace.

At the time appointed, Skinner and Steele repaired to Big Bar with their respective commands and the volunteers under Lamerick. One of Steele's Shastas was sent to Sam with a message, requesting him to come over the river and bring a few of his warriors as a body-guard. After the usual Indian parley he came, accompanied by Jo and a few fighting men; but seeing Lamerick's company mounted and drawn up in line, expressed a fear of them, when Skinner caused them to dismount and stack their arms.

The messenger to Sam's camp told Steele that he had recognized the murderers among Sam's people, and Steele demanded his arrest; but Skinner refused, fearing bloodshed. The agent went further, and ordered the release of two prisoners taken by Steele on the north side of the Siskiyou Mountains, Sam having first made the demand, and refused to negotiate until it was complied with. The order was accom-

panied with the notice to Steele that he was within the jurisdiction of the person giving the command. But all was of no avail. Steele seemed as determined to precipitate war as was Skinner to avoid it. Finally Skinner addressed himself to the prisoners, telling them they were free, that he was chief of the white people in the Indian country, and they should accept their liberty. On the other hand, Steele warned his prisoners that if they attempted to escape they would be shot, when Skinner threatened to arrest and send him to Oregon City. The quarrel ended by Steele keeping his captives under a guard of two of his own men, who were instructed to shoot them if they ran away, Sam and his party being informed of the order. His six remaining men were stationed with reference to a surprise from the rear and a rescue.

The conference then proceeded; but presently a hundred armed warriors crossed the river and mixed with the unarmed white men, whereupon Steele ordered his men to resume their arms.

The council resulted in nothing. Sam declined to give up the murderers, and the talk of the chiefs was shuffling and evasive. At length, on a pretence of wishing to consult with some of his people, Sam obtained permission to return to the north bank of the river, from which he shouted back defiance, and saying that he should not return. The white forces were then divided, Lamerick going with half the company to a ford above Big Bar, and his lieutenant with the remainder to the ford half a mile below, prepared to cross the river and attack Sam's camp if any hostile demonstrations should be made at the council ground. But the agent, apprehensive of an outbreak, followed the angry chief to the north side, the Indians also crossing over until about fifty only remained. Becoming alarmed for the safety of Skinner, Steele placed a guard at the crossing to prevent all the Indians returning to camp before the agent should come back, which he did in company with one

of the Shastas, who had been sent to warn him. Though the agent was aware that this man could point out the murderers, he would not consent, lest it should be a signal for battle.

By the time Steele had recrossed the river, a fresh commotion arose over the rumor that Scarface was seen with two others going over the hills toward the Klamath. The Rogue River warriors, still on the south side, observing it, began posting themselves under cover of some trees, as if preparing for a skirmish, to prevent which Steele's men placed themselves in a position to intercept them, when an encounter appearing imminent, Martin Angell,[17] a settler, proposed to the Indians to give up their arms, and sheltering themselves in a log house in the vicinity, to remain there as hostages until the criminals should be brought back by their own people. The proposition was accepted; but when they had filed past Steele's party they made a dash to gain the woods. This was the critical moment. To allow the savages to gain cover would be to expose the white men to a fire they could not return; therefore the order was given, and firing set in on both sides.

It should not be forgotten that Steele's men from the California side of the Siskiyou, throughout the whole affair, had done all that was done to precipitate the conflict, which was nevertheless probably unavoidable in the agitated state of both Indians and white men. The savages were well armed and ready for war, and the miners and settlers were bent on the mastery. When the firing began, Lamerick's company were still at the fords, some distance from the others. At the sound of the guns he hastened up the valley to give protection to the settlers' families,

[17] Angell had formerly resided at Oregon City. He removed to Rogue River Valley, participated in the Indian wars, and was killed by the savages of Rogue River in 1855. He was regarded as a good man and a useful citizen. His only son made his residence at Portland. *Lane's Autobiography*, MS., 107.

leaving a minority of the volunteers to engage the Indians from the north side should they attempt to cross the river.[18]

The fighting lasted but a short time. The Indians made a charge with the design of releasing Steele's prisoners, when they ran toward the river. One was shot before he reached it, the other as he came out of the water on the opposite bank. Sam then ordered a party of warriors to the south side to cut off Steele, but they were themselves surprised by a detachment of the volunteers, and several killed,[19] the remainder retreating. Only one white man was wounded, and he in one finger. The Indian agent had retired to his residence at the beginning of the fight. That same night information was received that during the holding of the council some Indians had gone to a bar down the river, and had surprised and killed a small company of miners. Lamerick at once made preparations to cross the river on the night of the 19th of July, and take his position in the pass between Table Rock and the river, while Steele's company moved at the same time farther up, to turn the Indians back on Lamerick's force in the morning. The movement was successful. Sam's people were surrounded, and the chief sued for peace on the terms first offered, namely, that he should give up the murderers, asking that the agent be sent for to make a treaty.

But Skinner, who had found himself ignored as

[18] 'Before we reached the place where the battle was going on, we met a large portion of the company coming from the battle as fast as their horses could run. The foremost man was Charley Johnson. He called to me to come with him. I said, "Have the Indians whipped you?" He said nothing, but kept on running, and crying, "Come this way." We wheeled, and went with the crowd, who went to the house of Dr Ambrose. The Indians had started toward the house, and it was supposed they meant to murder the family.' *Cardwell's Emigrant Company*, MS., 24.

[19] Steele says sixteen, including the prisoners. Cardwell states that many sprang into the water and were shot. Skinner gives the number as four; and states further that 'a man by the name of Steel, who pretended to be the leader of the party from Shasta, was principally instrumental in causing the attack on the prisoners, which for a time produced general hostilities.' *U. S. Sen. Doc.*, i., 32d cong. 2d sess., vol. i. pt i. 457. *Cardwell's Emigrant Company*, MS., 25; *California Star*, Aug. 7, 1852.

maintainer of the peace, and was busy preparing for the defence of his house and property, was slow to respond to this request. A council was appointed for the next day. In the explanations which followed it was ascertained that Scarface had not been with Sam, but was hiding in the Salmon River mountains. The person pointed out as Scarface was Sullix of Tipso's band, who also had a face badly scarred. The real criminal was ultimately arrested, and hanged at Yreka. A treaty was agreed to by Sam requiring the Rogue River Indians to hold no communication with the Shastas.[20] For the remainder of the summer hostilities on Rogue River were suspended, the Indian agent occasionally presenting Sam's band with a fat ox, finding it easier and cheaper to purchase peace with beef than to let robberies go on, or to punish the robbers.[21]

Such was the condition of Indian affairs in the south of Oregon in the summer and autumn of 1852, when the superintendent received official notice that all the Indian treaties negotiated in Oregon had been ordered to lie upon the table in the senate; while he was instructed by the commissioner, until the general policy of the government should be more definitely understood, to enter into no more treaty stipulations with them, except such as might be imperiously required to preserve peace.[22] As if partially to avert the probable consequences to the people of Oregon of this rejection of the treaties entered into between Governor Gaines, Superintendent Dart, and the Indians, there arrived at Vancouver, in September, 268 men, rank and file, composing the skeleton of the 4th regiment of infantry, under Lieutenant-colonel Bonneville.[23] It was now too late in the season for

[20] Sullix was badly wounded on the day of the battle. See *Cardwell's Emigrant Company*, MS., 25–6.

[21] The expenses of Steele's expedition were $2,200, which were never reimbursed from any source.

[22] *Letter of Anson Dart in Or. Statesman*, Oct. 30, 1852. Dart resigned in December, his resignation to take effect the following June.

[23] 'A large number of the 4th reg. had died on the Isthmus.' *Or. Statesman*, Sept. 25, 1852.

troops to do more than go into winter quarters. The settlers and the emigration had defended themselves for another year without aid from the government, and the comments afterward made upon their manner of doing it, in the opinion of the volunteers came with a very ill grace from the officers of that government.[24]

[24] Further details of this campaign are given in *Lane's Autobiography*, MS.; *Cardwell's Emigrant Company*, MS.; and the files of the *Oregon Statesman*.

CHAPTER IX.

SURVEYS AND TOWN-MAKING.

1851-1853.

PROPOSED TERRITORIAL DIVISION—COAST SURVEY—LIGHT-HOUSES ESTABLISHED—JAMES S. LAWSON—HIS BIOGRAPHY, PUBLIC SERVICES, AND CONTRIBUTION TO HISTORY—PROGRESS NORTH OF THE COLUMBIA—SOUTH OF THE COLUMBIA—BIRTH OF TOWNS—CREATION OF COUNTIES—PROPOSED NEW TERRITORY—RIVER NAVIGATION—IMPROVEMENTS AT THE CLACKAMAS RAPIDS—ON THE TUALATIN RIVER—LA CREOLE RIVER—BRIDGE-BUILDING—WORK AT THE FALLS OF THE WILLAMETTE—FRUIT CULTURE—THE FIRST APPLES SENT TO CALIFORNIA—AGRICULTURAL PROGRESS—IMPORTS AND EXPORTS—SOCIETY.

A MOVEMENT was made north of the Columbia River in the spring of 1851, to divide Oregon, all that portion north and west of the Columbia to be erected into a new territory, with a separate government—a scheme which met with little opposition from the legislature of Oregon or from congress. Accordingly in March 1853 the separation was consummated. The reasons advanced were the alleged disadvantages to the Puget Sound region of unequal legislation, distance from the seat of government, and rivalry in commercial interests. North of the Columbia progress was slow from the beginning of American settlements in 1845 to 1850, when the Puget Sound region began to feel the effect of the California gold discoveries, with increased facilities for communication with the east. In answer to the oft-repeated prayers of the legislature of Oregon, that a survey might be made of the Pacific coast of the United States, a commission was appointed in

November 1848, whose business it was to make an examination with reference to points of occupation for the security of trade and commerce, and for military and naval purposes.

The commissioners were Brevet Colonel J. L. Smith, Major Cornelius A. Ogden, Lieutenant Danville Leadbetter of the engineer corps of the United States army, and commanders Louis M. Goldsborough, G. J. Van Brunt, and Lieutenant Simon F. Blunt of the navy. They sailed from San Francisco in the government steam propeller *Massachusetts*, officered by Samuel Knox, lieutenant commanding, Isaac N. Briceland acting lieutenant, and James H. Moore acting master, arriving in Puget Sound about the same time the *Ewing* reached the Columbia River in the spring of 1850, and remaining in the sound until July. The commissioners reported in favor of light-houses at New Dungeness and Cape Flattery, or Tatooch Island, informing the government that traffic had much increased in Oregon, and on the sound, it being their opinion that no spot on the globe offered equal facilities for the lumber trade.[1] Shoalwater Bay was examined by Lieutenant Leadbetter, who gave his name to the southern side of the entrance, which is called Leadbetter Point. The *Massachusetts* visited the Columbia, and recommended Cape Disappointment on which to place a light-house. After this superficial reconnoissance, which terminated in July, the commissioners returned to California.

The length of time elapsing from the sailing of the commission from New York to its arrival on the Northwest Coast, with the complaints of the Oregon delegate, caused the secretary of the treasury to request Professor A. D. Bache, superintendent of coast surveys, to hasten operations in that quarter as much as possible; a request which led the latter to despatch a third party, in the spring of 1850, under Professor George Davidson, which arrived in California in June,

[1] *Coast Survey*, 1850, 127.

and proceeded immediately to carry out the intentions of the government.[2] Being employed on the coast of southern California, Davidson did not reach Oregon till June 1851, when he completed the topographical surveys of Cape Disappointment, Point Adams, and Sand Island, at the entrance to the Columbia, and departed southward, having time only to examine Port Orford harbor before the winter storms. It was not until July 1852 that a protracted and careful survey was begun by Davidson's party, when he returned in the steamer *Active*,[3] Captain James Alden of the navy, to examine the shores of the Strait of Fuca and adjacent coasts, a work in which he was engaged for several years, to his own credit and the advantage of the country.[4] For many years Captain Lawson has directed his very valuable efforts to the region about Puget Sound.[5]

[2] Davidson's party were all young men, anxious to distinguish themselves. They were A. M. Harrison, James S. Lawson, and John Rockwell. They sailed in the steamer *Philadelphia*, Capt. Robert Pearson, crossed the Isthmus, and took passage again on the *Tennessee*, Capt. Cole, for San Francisco. *Lawson's Autobiography*, MS., 5–18.

[3] The *Active* was the old steamer *Gold Hunter* rechristened. *Lawson's Autobiography*, MS., 49.

[4] For biography, and further information concerning Prof. Davidson and his labors, see *Hist. Cal.*, this series.

[5] James S. Lawson was born in Philadelphia, Feb. 13, 1828, was educated in the schools of that city, and while in the Central high school was a classmate of George Davidson, Prof. Bache being principal. Bache had formerly been president of Girard College, and still had charge of the magnetic observatory in the college grounds. The night observers were selected from the pupils of the high school, and of these Lawson was one, continuing to serve till the closing of the observatory in 1845. In that year Lawson was appointed second assistant teacher in the Catherine-street grammar school of Philadelphia, which position he held for one year, when he was offered a position in the Friends' school at Wilmington, Delaware, under charge of Samuel Allsoff. In January 1848 Lawson commenced duty as a clerk to Prof. Bache, then superintendent of the U. S. coast survey, remaining in that capacity until detached and ordered to join Davidson for the surveys on the Pacific coast in 1850. From the time of his arrival on the Pacific coast to the present, Capt. Lawson has been almost continuously engaged in the labor of making government surveys as an assistant of Prof. Davidson. *Lawson's Autobiography*, MS., 2. His work for a number of years has been chiefly in that portion of the original Oregon territory north of the Columbia and west of the Cascade Mountains, and his residence has been at Olympia, where his high character and scientific attainments have secured him the esteem of all, and in which quiet and beautiful little capital repose may be found from occasional toil and exposure. Mr Harrison was, like Davidson and Lawson, a graduate of the Philadelphia Central school, and of the same class.

This manuscript of Lawson's authorship is one of unusual value, contain-

I have referred to the surveying expeditions in this place with the design, not only of bringing them into their proper sequence in point of time, but to make plain as I proceed correlative portions of my narrative.

Between 1846, the year following the first American settlements on Puget Sound, and 1848, population did not much increase, nor was there any commerce to speak of with the outside world until the autumn of the last-named year, when the settlers discarded their shingle-making and their insignificant trade at Fort Nisqually, to open with their ox-teams a wagon road to the mines on the American River. The new movement revolutionized affairs. Not only was the precious dust now to be found in gratifying bulk in many odd receptacles never intended for such use in the cabins of squatters, but money, real hard coin, became once more familiar to fingers that had nearly forgotten the touch of the precious metals. In January 1850, some returning miners reached the Sound in the first American vessel entering those waters for the purposes of trade, and owned by a company of four of them.[6] This was the beginning of trade on Puget Sound, which had increased considerably in 1852–3, owing to the demand for lumber in San Francisco. The towns of Olympia, Steilacoom, Alki, Seattle, and Port Townsend already enjoyed some of the advantages of commerce, though yet in their infancy. A town had been started on Baker Bay, which, however, had but a brief existence, and settlements had been made on Shoalwater Bay and Gray Harbor, as well as on the principal rivers entering them, and at Cowlitz Landing. At the Cascades of the Columbia a town was surveyed in 1850, and

ing, besides a history of the scientific work of the coast survey, many original scraps of history, biography, and anecdotes of persons met with in the early years of the service, both in Oregon and California. Published entire it would be read with interest. It is often a source of regret that the limits of my work, extended as it is, preclude the possibility of extracting all that is tempting in my manuscripts.

[6] See *Hist. Wash.*, this series.

trading establishments located at the upper and lower falls; and in fact, the map of that portion of Oregon north of the Columbia had marked upon it in the spring of 1852 nearly every important point which is seen there to-day.

Of the general condition of the country south of the Columbia at the period of the division, something may be here said, as I shall not again refer to it in a particular manner. The population, before the addition of the large immigration of 1852, was about twenty thousand, most of whom were scattered over the Willamette Valley upon farms. The rage for laying out towns, which was at its height from 1850 to 1853, had a tendency to retard the growth of any one of them.[7] Oregon City, the oldest in the territory, had not much over one thousand inhabitants. Portland, by reason of its advantages for unloading shipping, had double that number. The other towns, Milwaukie, Salem, Corvallis, Albany, Eugene, Lafayette, Dayton, and Hillsboro, and the newer ones in the southern valleys, could none of them count a thousand.[8]

[7] Joel Palmer bought the claim of Andrew Smith, and founded the town of Dayton about 1850. Lafayette was the property of Joel Perkins, Corvallis of J. C. Avery, Albany of the Monteith brothers, Eugene of Eugene Skinner, Canyonville of Jesse Roberts, who sold it to Marks, Sideman & Co., who laid it out for a town.

[8] A town called Milwaukie was surveyed on the claim of Lot Whitcomb. It contained 500 inhabitants in the autumn of 1850, more than it had thirty years later. *Or. Spectator*, Nov. 28, 1850. *Deady*, in *Overland Monthly*, i. 37. Oswego, on the west bank of the Willamette, later famous for its iron-works, was laid out about the same time, but never had the population of Milwaukie, of which it was the rival. Dallas, in Polk county, was founded in 1852. St Helen, on the Columbia, was competing for the advantage of being the seaport of Oregon, and the Pacific Mail Steamship Company had decreed that so it should be, when the remonstrances, if not the sinister acts, of Portland men effected the ruin of ambitious hopes. St Helen was on the land claim of H. M. Knighton, an immigrant of 1845, and had an excellent situation. *Weed's Quern Charlotte Isl. Exp.*, MS., 7. 'Milton and St Helen, one and a half miles apart, on the Columbia, had each 20 or 25 houses.... Gray, a Dane, was the chief founder of St Helen.' *Saint-Amant, Voyages en Cal. et Or.*, 368–9, 378. It was surveyed and marked out in lots and blocks by P. W. Crawford, assisted by W. H. Tappan, and afterward mapped by Joseph Trutch, later of Victoria, B. C. A road was laid out to the Tualatin plains, and a railroad projected; the steamship company erected a wharf with other improvements. But meetings were held in Portland to prevent the

Some ambitious persons attempted to get a county organization for the country east of the Cascade Mountains in the winter of 1852–3, to which the leg-

stopping of the steamers below that town, and successive fires destroyed the company's improvements at St Helen, compelling their vessels to go to the former place.

Milton, another candidate for favor, was situated on Scappoose Bay, an arm of the Willamette, just above St Helen. It was founded by sea captains Nathan Crosby and Thomas H. Smith, who purchased the Hunsaker mills on Milton Creek, where they made lumber to load the bark *Louisiana*, which they owned. They also opened a store there, and assisted in building the road to the Tualatin plains. Several sea-going men invested in lots, and business for a time was brisk. But all their brilliant hopes were destined to destruction, for there came a summer flood which swept the town away. Captains Drew, Menzies, Pope, and Williams were interested in Milton. *Crawford's Nar.*, MS., 223. Among the settlers in the vicinity of St Helen and Milton was Capt. F. A. Lemont, of Bath, Maine, who as a sailor accompanied Capt. Dominis when he entered the Columbia in 1829–30. He was afterward on Wyeth's vessel, the *May Dacre*, which was in the river in 1834. Returning to Oregon after having been master of several vessels, he settled at St Helen in 1850, where he still resides. Of the early residents Lemont has furnished me the following list from memory: Benjamin Durell, Witherell, W. H. Tappan, Joseph Trutch, John Trutch, L. C. Gray, Aaron Broyles, James G. Hunter, Dr Adlum, Hiram Field, Seth Pope, John Dodge, George Thing, William English, William Hazard, Benjamin Teal, B. Conley, William Mecker, Charles H. Reed, Joseph Caples, Joseph Cunningham, A. E. Clark, Robert Germain, G. W. Veasie, C. Carpenter, J. Carpenter, Lockwood, Little, Tripp, Berry, Dunn, Burrows, Fiske, Layton, Kearns, Holly, Maybee, Archilles, Cortland, and Atwood, with others. Knighton, the owner of St Helen, is pronounced by Crawford a 'presumptuous man,' because while knowing nothing about navigation, as Crawford affirms, he undertook to pilot the *Silvie de Grasse* to Astoria, running her upon the rock where she was spitted. He subsequently sailed a vessel to China, and finally engaged as a captain on the Willamette. Knighton died at The Dalles about 1864. His wife was Elizabeth Martin of Yamhill county. He left several children in Washington.

Westport, on the Columbia, thirty miles above Astoria, was settled by John West in 1851; and Rainier, opposite the Cowlitz, by Charles E. Fox in the same year. It served for several years as a distributing point for mail and passengers to and from Puget Sound. Frank Warren, A. Harper and brother, and William C. Moody were among the residents at Rainier. *Crawford's Nar.*, MS., 260. At or near The Dalles there had been a solitary settler ever since the close of the Cayuse war; and also a settler named Tomlinson, and two Frenchmen on farms in Tygh Valley, fifty miles or more south of The Dalles. These pioneers of eastern Oregon, after the missionaries, made money as well as a good living, by trading in cattle and horses with emigrants and Indians, which they sold to the miners in California. After the establishment of a military post at The Dalles, it required a government license, issued by the sup. of Indian affairs, to trade anywhere above the Cascades, and a special permission from the commander of the post to trade at this point. John C. Bell of Salem was the first trader at The Dalles, as he was sutler for the army at The Dalles in 1850. When the rifle regiment were ordered away, Bell sold to William Gibson, who then became sutler. In 1851 A. McKinlay & Co., of Oregon City, obtained permission to establish a trading post at The Dalles, and building a cabin they placed it in charge of Perrin Whitman. In 1852, they erected a frame building west of the present Umatilla House, which they used as a store, but sold the following year to Simms and Humason. W. C. Laughlin took a land claim this

islature would have consented if they had agreed to have the new county attached to Clarke for judicial purposes; but this being objected to, and the population being scarce, the legislature declined to create the county, which was however established in January 1854, and called Wasco.[9] In the matter of other county organizations south of the Columbia, the legislature was ready to grant all petitions if not to anticipate them. In 1852–3 it created Jackson, includ-

year and built a house upon it. A Mr Bigelow brought a small stock of goods to The Dalles, chiefly groceries and liquors, and built a store the following year; and William Gibson moved his store from the garrison grounds to the town outside. It was subsequently purchased by Victor Trevitt, who kept a saloon called the Mount Hood.

In the autumn of 1852, companies K and I of the 4th inf. reg., under Capt. Alvord, relieved the little squad of artillery men who had garrisoned the post since the departure of the rifle regiment. It was the post which formed the nucleus of trade and business at The Dalles, and which made it necessary to improve the means of transportation, that the government supplies might be more easily and rapidly conveyed. The immigration of 1852 were not blind to the advantages of the location, and a number of claims were taken on the small streams in the neighborhood of The Dalles. Rumors of gold discoveries in the Cascade Mountains north of the Columbia River were current about this time. H. P. Isaacs of Walla Walla, who is the author of an intelligent account of the development of eastern Oregon and Washington, entitled *The Upper Columbia Basin*, MS., relates that a Klikitat found and gave to a Frenchman a piece of gold quartz, which being exhibited at Oregon City induced him to go with the Indian in the spring of 1853 to look for it. But the Klikitat either could not or would not find the place, and Isaacs went to trade with the immigrants at Fort Boisé, putting a ferry across Snake River in the summer of that year, but returning to The Dalles, where he remained until 1863, when he removed to the Walla Walla Valley and put up a grist mill, and assisted in various ways to improve that section. Isaacs married a daughter of James Fulton of The Dalles, of whom I have already made mention. A store was kept in The Dalles by L. J. Henderson and Shang, in a canvas house. They built a log house the next year. Tompkins opened a hotel in a building put up by McKinlay & Co. Forman built a blacksmith shop, and Lieut. Forsyth erected a two-story frame house, which was occupied the next year as a hotel by Gates. Cushing and Low soon put up another log store, and James McAuliff a third. *Dalles Mountaineer*, May 28, 1869.

[9] *Or. Jour. Council*, 1852–3, 90; *Gen. Laws Or.*, 544. The establishment of Wasco county was opposed by Major Rains of the 4th infantry stationed at Fort Dalles in the winter of 1853–4. He said that Wasco county was the largest ever known, though it had but about thirty-five white inhabitants, and these claimed a right to locate where they chose, in accordance with the act of Sept. 27, 1850. *Or. Jour. Council*, 1853–4, app. 49–50; *U. S. Sen. Doc.* 16, vol. vi. 16–17, 33d cong. 2d sess. Rains reported to Washington, which frustrated for a time the efforts of Lane to get a bill through congress regulating bounty warrants in Oregon, it being feared that some of them might be located in Wasco county. *Or. Statesman*, March 20, 1855; *Cong. Globe*, 33d cong. 2d sess., 490. Wm C. Laughlin, Warren Keith, and John Tompkins were appointed commissioners, J. A. Simms sheriff, and Justin Chenoweth, judge.

ing the valley of Rogue River and the country west of it to the Pacific. At the session of 1853, it created Coos county from the western portion of Jackson, Tillamook from the western part of Yamhill, and Columbia from the northern end of Washington county. The county seat of Douglas was changed from Winchester to Roseburg by election, according to an act of the legislature.

The creation of new counties and the loss of those north of the Columbia called for another census, and the redistricting of the territory of Oregon, with the reapportionment of members of the legislative assembly, which consisted under the new arrangement of thirty members. The first judicial district was made to comprise Marion, Linn, Lane, Benton, and Polk, and was assigned to Judge Williams. The second district, consisting of Washington, Clackamas, Yamhill, and Columbia, to Judge Olney; while the third, comprising Umpqua, Douglas, Jackson, and Coos, was given to McFadden, who held it for one term only, when Deady was reinstated.

Notwithstanding the Indian disturbances in southern Oregon, its growth continued to be rapid. The shifting nature of the population may be inferred from fact that to Jackson county was apportioned four representatives, while Marion, Washington, and Clackamas were each allowed but three.[10]

A scheme was put on foot to form a new territory out of the southern countries with a portion of northern California, the movement originating at Yreka, where it was advocated by the *Mountain Herald*. A meeting was held at Jacksonville January 7, 1854, which appointed a convention for the 25th. Memorials were drafted to congress and the Oregon and California legislatures. The proceedings of the convention were published in the leading journals of the coast, but the project received no encouragement from

[10] *Or. Statesman*, Feb. 14, 1854.

legislators, nor did Lane lend himself to the scheme further than to present the memorial to congress.[11] On the contrary, he wrote to the Jacksonville malecontents that he could not approve of their action, which would, as he could easily discern, delay the admission of Oregon as a state, a consummation wished for by his supporters, to whom he essayed to add the democrats of southern Oregon. Nothing further was thenceforward heard of the projected new territory.[12]

Nothing was more indicative of the change taking place with the introduction of gold than the improvement in the means of transportation on the Willamette and Columbia rivers, which was now performed by steamboats.[13]

[11] *U. S. H. Jour.*, 609, 33d cong. 1st sess.

[12] The Oregon men known to have been connected with this movement were Samuel Culver, T. McFadden Patton, L. F. Mosher, D. M. Kenny, S. Ettlinger, Jesse Richardson, W. W. Fowler, C. Sims, Anthony Little, S. C. Graves, W. Burt, George Dart, A. McIntire, G. L. Snelling, C. S. Drew, John E. Ross, Richard Dugan, Martin Angell, and J. A. Lupton. Those from the south side of the Siskiyou Mountains were E. Steele, H. G. Ferris, C. N. Thornbury, E. J. Curtis, E. Moore, O. Wheelock, and J. Darrough. *Or. Statesman*, Feb. 7 and 28, 1854.

[13] The first steamboat built to run upon these waters was called the *Columbia*. She was an oddly shaped and clumsy craft, being a double-ender, like a ferry-boat. Her machinery was purchased in California by James Frost, one of the followers of the rifle regiment, who brought it to Astoria, where his boat was built. Frost was sutler to the regiment in which his brother was quartermaster. He returned to Missouri, and in the civil war held a command in the rebellious militia of that state. His home was afterward in St Louis. *Deady*, in *McCracken's Portland*, MS., 7. It was a slow boat, taking 26 hours from Astoria to Oregon City, to which point she made her first voyage July 4, 1850. *S. F. Pac. News*, May 11, July 24, and Aug. 1, 1850; *S. F. Herald*, July 24, 1850; *Portland Standard*, July 8, 1879.

The second venture in steam navigation was the *Lot Whitcomb of Oregon*, named after her owner, built at Milwaukie, and launched with much ceremony on Christmas, 1850. She began running in March following. The name was selected by a committee nominated in a public meeting held for the purpose, W. K. Kilborn in the chair, and A. Bush secretary. The committee, A. L. Lovejoy, Hector Campbell, W. W. Buck, Capt. Kilborn, and Governor Gaines, decided to give her the name of her owner, who was presented with a handsome suit of colors by Kilborn, Lovejoy, and N. Ford for the meeting. *Or. Spectator*, Dec. 12, 1850, and June 27, 1851. She was built by a regular ship-builder, named Hanscombe, her machinery being purchased in San Francisco. *Deady's Hist. Or.*, MS., 21; *McCracken's Portland*, MS., 11; *Brigg's Port Townsend*, MS., 22; *Sacramento Transcript*, June 29, 1850; *Overland Monthly*, i. 37. In the summer of 1853 the *Whitcomb* was sold to a California company for $50,000, just $42,000 more than she cost. The *Lot Whitcomb* was greatly superior to the first steamer. Both obtained large prices for carrying passengers and freight, and for towing sailing vessels on

The navigation of the Willamette was much impeded by rocks and rapids. On the Clackamas rapids below Oregon City, thirty thousand dollars was expended in removing obstructions to steamers, and the channel was also cleared to Salem in 1852. The Tualatin River was made navigable for some distance by private enterprise. A canal was made to connect

the Columbia. McCracken says he paid two ounces of gold-dust for a passage on the *Columbia* from Astoria to Portland which lasted two days, sleeping on the upper deck, the steamer having a great many on board. *Portland*, MS., 4. When the *Whitcomb* began running the fare was reduced to $15. John McCracken came to Oregon from California, where he had been in mercantile pursuits at Stockton, in November 1849. He began business in Oregon City in 1850, selling liquors, and was interested in the Island mill. He subsequently removed to Portland, where he became a large owner in shipping, steamboats, and merchandising. His wife was a daughter of Dr Barclay of Oregon City, formerly of the H. B. Co.

From the summer of 1851, steamboats multiplied, though the fashion of them was not very commodious, nor were they elegant in their appointment, but they served the purpose, for which they were introduced, of expediting travel.

The third river steamboat was the *Black Hawk*, a small iron propeller brought out from New York, and run between Portland and Oregon City, the *Lot Whitcomb* being too deep to get over the Clackamas rapids. The *Willamette*, a steam schooner belonging to Howland and Aspinwall, arrived in March 1853, by sailing vessel, being put together on the upper Willamette, finished in the autumn, and run for a season, after which she was brought over the falls, and used to carry the mail from Astoria to Portland; but the arrival of the steamship *Columbia*, which went to Portland with the mails, rendered her services unnecessary, and she was sold to a company composed of Murray, Hoyt, Breck, and others, who took her to California, where she ran as an opposition boat on the Sacramento, and was finally sold to the California Steam Navigation Company. The *Willamette* was a side-wheel steamer and finished in fine style, but not adapted to the navigation of the Willamette River. *Athey's Workshops*, MS., 5; *Or. Spectator*, Sept. 30, 1851. The *Hoosier*, built to run on the upper river, was finished in May 1851, and the *Yamhill* in August. In the autumn of the same year a small iron steamer, called the *Bully Washington*, was placed on the lower river. This boat was subsequently taken to the Umpqua, where she ran until a better one, the *Hinsdale*, owned by Hinsdale and Lane, was built. The *Multnomah* was also built this year, followed by the *Gazelle*, in 1852, handsomely finished, for the upper river trade. She ran a few months and blew up, killing two persons and injuring others. The *Castle* and the *Oregon* were also running at this time. On the Upper Columbia, between the Cascades and The Dalles, the steamer *James P. Flint* was put on in the autumn of 1851. She was owned by D. F. Bradford and others. She struck a rock and sunk while bringing down the immigration of 1852, but was raised and repaired. She was commanded by Van Berger, mate J. W. Watkins. *Dalles Mountaineer*, May 28, 1869. The *Belle* and the *Eagle*, two small iron steamers, were running on the Columbia about this time. The *Belle* was built at Oregon City for Wells and Williams. The *Eagle* was brought to Oregon by John Irving, who died in Victoria in 1874. The *Fashion* ran to the Cascades to connect with the *Flint*. Further facts concerning the history of steamboating will be brought out in another part of this work, this brief abstract being intended only to show the progress made from 1850 to 1853.

La Créole River with the Willamette. The Yamhill River was spanned at Lafayette with a strong double-track bridge placed on abutments of hewn timber, bolted and filled with earth, and raised fifty feet above low water.[14] This was the first structure of the kind in the country. The Rockville Canal and Transportation Company was incorporated in February 1853, for the purpose of constructing a basin or breakwater with a canal at and around the falls of the Willamette, which work was completed by December 1854, greatly increasing the comfort of travel by avoiding the portage.[15]

In 1851 the fruit trees set out in 1847 began to bear, so that a limited supply of fruit was furnished the home market;[16] and two years later a shipment was made out of the territory by Meek and Luelling, of Milwaukie, who sold four bushels of apples in San Francisco for five hundred dollars. The following year they sent forty bushels to the same market, which brought twenty-five hundred dollars. In 1861 the shipment of apples from Oregon amounted to over seventy-five thousand bushels;[17] but they no longer

[14] *Or. Statesman*, Sept. 23, 1851.

[15] *Id.*, Feb. 26, 1853. Deady gives some account of this important work in his *Hist. Or.*, MS., 28. A man named Page from California, representing capital in that state, procured the passage of the act of incorporation. The project was to build a basin on the west side of the river above the falls, with mills, and hoisting works to lift goods above the falls, and deposit them in the basin, instead of wagoning them a mile or more as had been done. They constructed the basin, and erected mills at its lower edge. The hoisting works were made with ropes, wheels, and cages, in which passsengers and goods were lifted up. Page was killed by the explosion of the *Gazelle*, owned by the company, after which the enterprise went to pieces through suits brought against the company by employés, and the property fell into the hands of Kelley, one of the lawyers, and Robert Pentland. In the winter of 1860–1, the mills and all were destroyed by fire, when works of a similar nature were commenced on the east side of the river, where they remained until the completion of the canal and locks on the west side, of a recent date.

[16] On McCarver's farm, one mile east of Oregon City, was an orchard of 15 acres containing 200 apple-trees, and large numbers of pears, plums, apricots, cherries, nectarines, and small fruits. It yielded this year 15 bushels of currants, and a full crop of the above-named fruits. *Or. Statesman*, July 29, 1851. In 1852, R. C. Geer advertised his nursery as containing 42 varieties of apples, 15 of pears, 5 of peaches, and 6 of cherries. Thomas Cox raised a Rhode Island greening 12½ inches in circumference, a good size for a young tree. *Id.*, Dec. 18, 1852.

[17] *Id.*, Sept. 22, 1862; *Oregonian*, July 15, 1862; *Overland Monthly*, i. 39.

were worth their weight in gold. The productiveness of the country in every way was well established before 1853, as may be seen in the frequent allusions to extraordinary growth and yield.[18] If the farmer was not comfortable and happy in the period between 1850 and 1860, it was because he had not in him the capacity for enjoying the bounty of unspoiled nature, and the good fortune of a ready market; and yet some there were who in the midst of affluence lived like the starveling peasantry of other countries, from simple indifference to the advantages of comfort in their surroundings.[19]

The imports in 1852–3, according to the commerce and navigation reports, amounted to about $84,000, but were probably more than that. Direct trade with China was begun in 1851, the brig *Amazon* bringing a cargo of tea, coffee, sugar, syrup, and other articles from Whampoa to Portland, consigned to Norris and Company. The same year the schooner *John Alleyne* brought a cargo of Sandwich Islands products consigned to Allen McKinlay and Company of Oregon City, but nothing like a regular trade with foreign ports was established for several years later, and the exports generally went no farther than San Francisco. Farming machinery did not begin to be introduced till 1852, the first reaper brought to Oregon being a McCormick, which found general use throughout the territory.[20] As might be expected, society improved in its outward manifestations, and the rising generation were permitted to enjoy privi-

[18] One bunch of 257 stalks of wheat from Geer's farm, Marion county, averaged 60 grains to the head. On Hubbard's farm in Yamhill, one head of timothy measured 14 inches. Oats on McVicker's farm in Clackamas stood over 8 feet in height. In the Cowlitz Valley one hill of potatoes weighed 53 pounds and another 40. Two turnips would fill a half-bushel measure. Tolmie, at Nisqually, raised an onion that weighed a pound and ten ounces. *Columbian*, Nov. 18, 1851. The troops at Steilacoom raised on 12 acres of ground 5,000 bushels of potatoes, some of which weighed two pounds each. *Or. Spectator*, Nov. 18, 1851.

[19] *De Bow's Encycl.*, xiv. 603–4; *Fisher and Colby's Am. Statistics*, 429–30.

[20] *Or. Statesman*, July 24, 1852.

leges which their parents had only dreamed of when they set their faces toward the far Pacific—the privileges of education, travel, and intercourse with older countries, as well as ease and plenty in their Oregon homes.[21] And yet this was only the beginning of the end at which the descendants of the pioneers were entitled by the endurance of their fathers to arrive.

[21] The 7th U. S. census taken in 1850 shows the following nativities for Oregon: Missouri, 2,206; Illinois, 1,023; Kentucky, over 700; Indiana, over 700; Ohio, over 600; New York, over 600; Virginia, over 400; Tennessee, over 400; Iowa, over 400; Pennsylvania, over 300; North Carolina, over 200; Massachusetts, 187; Maine, 129; Vermont, 111; Connecticut, 72; Maryland, 73; Arkansas, 61; New Jersey, 69; and in all the other states less than 50 each, the smallest number being from Florida. The total foreign population was 1,159, 300 of whom were natives of British America, 207 English, about 200 Irish, over 100 Scotch, and 150 German. The others were scattering, the greatest number from any other foreign country being 45 from France; unknown, 143; in all 13,043. *Abstract of the 7th Census*, 16; *Moseley's Or.*, 1850–75, 93; *De Bow's Encycl.*, xiv. 591–600. These are those who are more strictly classed as pioneers; those who came after them, from 1850 to 1853, though assisting so much, as I have shown, in the development of the territory, were only pioneers in certain things, and not pioneers in the larger sense.

CHAPTER X.

LAND LAWS AND LAND TITLES.

1851-1855.

THE DONATION LAW—ITS PROVISIONS AND WORKINGS—ATTITUDE OF CONGRESS—POWERS OF THE PROVISIONAL GOVERNMENT—QUALIFICATION OF VOTERS—SURVEYS—RIGHTS OF WOMEN AND CHILDREN—AMENDMENTS—PREËMPTION PRIVILEGES—DUTIES OF THE SURVEYOR GENERAL—CLAIMANTS TO LANDS OF THE HUDSON'S BAY AND PUGET SOUND COMPANIES—MISSION CLAIMS—METHODISTS, PRESBYTERIANS, AND CATHOLICS—PROMINENT LAND CASES—LITIGATION IN REGARD TO THE SITE OF PORTLAND—THE RIGHTS OF SETTLERS—THE CARUTHERS CLAIM—THE DALLES TOWN-SITE CLAIM—PRETENSIONS OF THE METHODISTS—CLAIMS OF THE CATHOLICS—ADVANTAGES AND DISADVANTAGES OF THE DONATION SYSTEM.

A SUBJECT which was regarded as of the highest importance after the passage of the donation act of September 27, 1850, was the proper construction of the law as applied to land claims under a variety of circumstances. A large amount of land, including the better portions of the Willamette Valley, had been taken, occupied, and to some extent improved under the provisional government, and its land law; the latter having undergone several changes to adapt it to the convenience and best interests of the people, as I have noted elsewhere.

The provisional legislative assemblies had several times memorialized congress on the subject of confirming their acts, on establishing a territorial government in Oregon, chiefly with regard to preserving the land law intact. Their petition was granted with regard to every other legislative enactment excepting that affecting the titles to lands; and with regard to

this, the organic act expressly said that all laws previously passed in any way affecting the title to lands should be null and void, and the legislative assembly should be prohibited from passing any laws interfering with the primary disposal of the soil which belonged to the United States. The first section of that act, however, made an absolute grant to the missionary stations then occupied, of 640 acres, with the improvements thereon.

Thus while the missionary stations, if there were any within the meaning of the act of that time, had an incontrovertible right and title, the settlers, whose means were often all in their claims, had none whatever; and in this condition they were kept for a period of two years, or until the autumn of 1850, when their rights revived under the donation law, whose beneficent provisions all recognized.

This law, which I have not yet fully reviewed, provided in the first place for the survey of the public lands in Oregon. It then proceeded to grant to every white settler or occupant of the public lands, American half-breeds included, over eighteen years of age, and a citizen of the United States, or having declared his intention according to law of becoming such, or who should make such declaration on or before the first day of December 1851, then residing in the territory, or becoming a resident before December 1850 —a provision made to include the immigration of that year—640 acres to a married man, half of which was to belong to his wife in her own right, and 320 acres to a single man, or if he should become married within a year from the 1st of December 1850, 320 more to his wife, no patents to issue until after a four years' residence.

At this point for the first time the act took cognizance of the provisional law making the surviving children or heirs of claimants under that law the legal heirs also under the donation law; this provision applying as well to the heirs of aliens who had de-

clared their intention to become naturalized citizens of the United States, but who died before completing their naturalization, as to native-born citizens. The several provisos to this part of the land law declared that the donation should embrace the land actually occupied and cultivated by the settler thereon; that all sales of land made before the issuance of patents should be void; and lastly, that those claiming under the treaty with Great Britain could not claim under the donation act.

Then came another class of beneficiaries. All white male citizens of the United States, or persons who should have made a declaration of their intention to become such, above twenty-one years of age, and emigrating to and settling in Oregon after December 1, 1850, and before December 1, 1853, and all white male American citizens not before provided for who should become twenty-one years of age in the territory between December 1851 and December 1853, and who should comply with the requirements of the law as already stated, should each receive, if single, 160 acres of land, and if married another 160 to his wife, in her own right; or if becoming married within a year after his arrival in the territory, or one year after becoming twenty-one, the same. These were the conditions of the gifts in respect of qualifications and time.

But further, the law required the settler to notify the surveyor general within three months after the survey had been made, where his claim was located; or if the settlement should commence after the survey, then three months after making his claim; and the law required all claims after December 1, 1850, to be bounded by lines running east and west and north and south, and to be taken in compact form. Proof of having commenced settlement and cultivation had to be made to the surveyor general within twelve months after the survey or after settlement. All these terms being complied with, at any time after the expiration of four years from date of settlement the sur-

veyor general might issue a certificate, when, upon the proof being complete, a patent would issue from the commissioner of the general land office to the holder of the claims. The surveyor general was furnished with judicial power to judge of all questions arising under the act; but his judgment was not necessarily final, being preliminary only to a final decision according to the laws of the territory. These were the principal features of the donation law.[1]

In order to be able to settle the various questions which might arise, it was necessary first to decide what constituted naturalization, or how it was impaired. The first case which came up for consideration was that of John McLoughlin, the principal features of which have been given in the history of the Oregon City claim. It was sought in this case to show a flaw in the proceedings on account of the imperfect organization of the courts. In the discussion which followed, and for which Thurston had sought to prepare himself by procuring legal opinions beforehand, considerable alarm was felt among other aliens. S. M. Holderness applied to Judge Pratt, then the only district judge in the territory, on the 17th of May 1850, to know if the proceedings were good in his case, as many others were similarly situated, and it was important to have a precedent established.

Pratt gave it as his opinion that the Clackamas county circuit court, as it existed on the 27th of March 1849, was a competent court, within the meaning of the naturalization laws, in which a declaration of intention by an alien could be legally made as a preparatory step to becoming a citizen of the United States; the naturalization power being vested in congress, which had provided that application might be made to any circuit, district, or territorial court, or to any state court which was a court of record, having a

[1] See *U. S. H. Ex. Doc.* ii., vol. ii. pt iii. 5–8, 32d cong. 1st sess.; *Deady's Or. Laws*, 1845–64, 84–90; *Deady's Or. Gen. Laws*, 1843, 72, 63–75.

seal and clerk; and the declaration might be made before the clerk of one of the courts as well as before the court itself. The only question was whether the circuit court of Clackamas county, in the district of Oregon, was on the 24th of March, 1849, or about that time, a territorial court of the United States.

Congress alone had authority to make all needful rules and regulations respecting the territory and other property of the United States, and that power was first exercised in Oregon, and an organized government given to it by the congressional act of August 14, 1848. It went into effect, and the territory had a legal existence from and after its passage, and the laws of the United States were at the same time extended over the territory, amongst the others, that of the naturalization of aliens. But it was admitted that the benefits to be derived from proceedings under these laws would be practically valueless unless the machinery of justice was at the same time provided to aid in their administration and enforcement. Congress had not omitted this; but there existed an extraordinary state of things in Oregon which made it unlike other territorial districts at the date of its organization. Unusual means had therefore been provided to meet the emergency. Without waiting to go through the ordinary routine of directing the electing of a legislative body to assemble and frame a code of statutes, laws were at once provided by the adoption of those already furnished to their hand by the necessities of the late provisional government; and in addition to extending the laws of the United States over the territory, it was declared that the laws thus adopted should remain in force until modified or repealed. Congress had thus made its own a system of laws which had been in use by the people before the territory had a legal existence. Among those laws was one creating and establishing certain courts of record in each county, known as circuit courts; and one of those courts composing the circuit was that of

the county of Clackamas, which tribunal congress had adopted as a territorial court of the United States. The permanent judicial power provided for in the organic act was not in force, or had not superseded the temporary courts, because it had not at that time entered upon the discharge of its duties, Chief Justice Bryant not assuming the judicial ermine in Oregon until the 23d of May 1849, the cases in question occurring in March.[2] To the point attempted to be made later, that there had been no court because of the irregularity of the judges in convening it, he replied that the court itself did not cease to exist, after being established, because there was no judge to attend to its duties, the clerk continuing in office and in charge of the records.[3]

There had been a contest immediately after the establishment of the territorial government concerning the right of the foreign residents to vote at any election after the first one, for which the organic act had distinctly provided, and a strong effort had been made to declare the alien vote of 1849 illegal. The first territorial legislature, in providing for and regulating general elections and prescribing the qualifications of voters, declared that a foreigner must be duly naturalized before he could vote, the law being one of those adopted from the Iowa statutes. One party, of whom Thurston was the head, supported by the missionary interest, strenuously insisted upon this construction of the 5th section of the organic law, because at the election which made Thurston delegate the foreign-born voters had not supported him, and with him the measures of the missionary class.

The opinion of the United States judges being

[2] In Pratt's opinion on the location of the seat of government, he reiterates this belief, and says that both he and Bryant held that 'no power existed by which the supreme court could be legally held before the seat of government was established.' *Or. Statesman*, Jan. 6, 1852. According to this belief, the proceedings of the district courts were illegal for nearly two years.

[3] *Or. Spectator*, May 22, 1851.

asked, Strong replied to a letter of Thurston's, confirming the position taken by the delegate, that after the first election, until their naturalization was completed, no foreigner could be allowed to vote.[4] The inference was plain; if not allowed to vote, not a citizen; if not a citizen, not entitled to the benefits of the land law. Thurston also procured the expression of a similar opinion from the chairman of the judiciary of the house of representatives, and from the chairman of the committee on territories, which he had published in the *Spectator*. Under these influences, the legislature of 1850–1 substantially reënacted the Iowa law adopted in 1849, but Deady succeeded in procuring the passage of a proviso giving foreigners who had resided in the country five years prior to that time, and who had declared, as most of them had, their intention of becoming citizens, a right to vote.[5]

The Thurston interest, asserting that congress had not intended to invest the foreign-born inhabitants of Oregon with the privileges of citizens, declared that it was not necessary that the oath to support the government of the United States and the organic act should be taken before a court of record, but might for such purpose be done before a common magistrate. Could they delude the ignorant into making this error, advantage could be taken of it to invalidate subsequent proceedings. But Pratt pointed out that while part of the proceedings, namely, the taking of the oath required, could have been done before a magistrate, the declaration of intention to become a citizen could only be made according to the form and before the court prescribed in the naturalization laws; and that the act of congress setting forth what was necessary to be done to become entitled to the right to vote at the first election in Oregon did not separate them—from

[4] *Or. Spectator*, Nov. 28, 1850.

[5] Deady says he had a 'hard fight.' The proviso was meant, and was understood to mean, the restoration to McLoughlin, and the British subjects who had always lived in the country, of the elective franchise. *Hist. Or.*, MS., 81.

which it was plain that congress meant to confer upon the alien population of Oregon the privileges of citizenship without delay, and to cement the population of the territory as it stood when it asked that its provisional laws should be adopted.

The meaning of the 5th section of the organic act should have been plain enough to any but prejudiced minds. In the first place, it required the voter to be a male above the age of twenty-one years, and a resident of the territory at the time of the passage of the act. The qualifications prescribed were, that he should be a citizen of the United States of that age, or that being twenty-one he should have declared on oath his intention to become a citizen, and have taken the oath to support the constitution of the United States and the provisions of the organic act. This gave him the right to vote at the first election, and made him eligible to office; but the qualifications of voters and office-holders at all subsequent elections should be prescribed by the legislative assembly. This did not mean that the legislature should enact laws contrary to this which admitted to citizenship all those who voted at the first election, by the very terms required, namely, to take the oath of allegiance and make a declaration of an intention to assume the duties of an American citizen; but that after having set out on its territorial career under these conditions, it could make such changes as were found necessary or desirable thereafter not in conflict with the organic act. The proof of this position is in the fact that after and not before giving the legislature the privilege, comes the proviso containing the prescribed qualifications of a voter which must go into the territorial laws, the same being those which entitled any white man to vote at the first election. Having once taken those obligations which were forever to make him a citizen of the United States by the organic act, the legislature had no right, though it exercised the assumed power, to disfranchise those who voted

at the first election. When in 1852–3 the legislature amended the laws regulating elections, it removed in a final manner the restrictions which the Thurston democracy had placed upon foreign-born residents of the country. By the new law all white male inhabitants over twenty-one years of age, having become naturalized, or having declared their intention to become citizens, and having resided six months in the territory, and in the county fifteen days next preceding the election, were entitled to vote at any election in the territory.

To return to the donation law and its construction. Persons could be found who were doubtful of the meaning of very common words when they came to see them in a congressional act, and who were unable to decide what 'settler' or 'occupant' meant, or how to construe 'improvement' or 'possession.' To help such as these, various legal opinions were submitted through the columns of newspapers; but it was generally found that a settler could be absent from his claim a great deal of his time, and that occupation and improvement were defined in accordance with the means and the convenience of the claimant.[6]

The surveyor-general, who arrived in Oregon in time to begin the surveys of the public lands in October, 1851, had before him a difficult labor.[7] The survey of the Willamette meridian was begun at

[6] See *Home Missionary*, vol. 24, 156. Thornton held that there was such a thing as implied residence, and that a man might be a resident by the residence of his agent; and cited *Kent's Com.*, 77. Also that a claimant whose dwelling was not on the land, but who improved it by the application of his personal labor, or that of his hired man, or member of his family, could demand a patent at the expiration of four years. See opinion of J. Q. Thornton in *Or. Spectator*, Jan. 16, 1851. It is significant that in these discussions and opinions in which Thornton took a prominent part at the time, he laid no claim to the authorship of the land law. To do this was an afterthought. Mrs Odell, in her *Biography of Thurston*, MS., 28, remarks upon this.

[7] *Cong. Globe*, app., 1852–3, vol. xxvii. 331, 32d cong. 2d sess.; *U. S. H. Ex. Doc.* 2, vol. ii. pt iii. 5–8, 32d cong. 1st sess. The survey was conducted on the method of base and meridian lines, and triangulations from fixed stations to all prominent objects within the range of the theodolite, by means of which relative distances were obtained, together with a general knowledge of the country, in advance of the linear surveys. *Id.*

the upper mouth of the Willamette River, and the base line 7¾ miles south, in order to avoid the Columbia River in extending the base line east to the Cascade Mountains. The intersection of the base and meridian lines was 3½ miles west of the Willamette. The reason given for fixing the point of beginning at this place was because the Indians were friendly on either side of the line for some distance north and south, and a survey in this locality would best accommodate the immediate wants of the settlers.[8] But it was soon found that the nature of the country through which the initial lines were run would make it desirable in order to accommodate the settlers to change the field of operations to the inhabited valleys,[9] three fourths of the meridian line north of the base line passing through a country broken and heavily timbered. The base line east of the meridian to the summit of the Cascade Mountains also passed through a densely timbered country almost entirely unsettled. But on the west side of the meridian line were the Tualatin plains, this section of the country being first to be benefited by the survey.

On the 5th of February, 1852, appeared the first notice to settlers of surveys that had been completed in certain townships, and that the surveyor general was prepared to receive the notifications of their respective claims and to adjust the boundaries thereof, he being made the arbiter and register of all donation claims.[10] At the same time settlers were advised that they must have their claims surveyed and cor-

[8] *Rept of Preston in U. S. H. Ex. Doc.* 52, 1851–2, v. 23, 31st cong. 1st sess. It was done by Thurston's advice. See *Cong. Globe*, 1849–50, xxi. pt ii. 1077, 31st cong. 1st sess.

[9] William Ives was the contractor for the survey of the base line and Willamette meridian north of it; and James Freeman of the Willamette meridian south of it, as far as the Umpqua Valley.

[10] The first surveys advertised were of township 1 north, range 1 east; townships 7 and 8 south, range 1 west; and township 7 south, range 3 and 4 west. The oldest patents issued for donation claims are those in Washington county, unless the Oregon City lots may be older. See *Or. Spectator*, Feb. 10, 1852.

ners established before the government survey was made, in order that they might be able to describe their boundaries by courses, distances, metes, and bounds, and to show where their lines intersected the government lines, claims being generally bounded according to the fancy or convenience of the owner, instead of by the rectangular method adopted in the public surveys.

The privilege of retaining their claims as they had taken them was one that had been asked for by memorial, but which had not been granted without qualification in the land law. Thurston had explained how the letter of the law was to be evaded, and had predicted that the surveyor general would be on the side of the people in this matter.[11] Preston, as had been foreseen, was lenient in allowing irregular boundaries; a map of that portion of Oregon covered by donation claims presenting a curious patchwork of parallelograms with angles obtuse, and triangles with angles of every degree. Another suggestion of the surveyor general was that settlers on filing their notifications, date of settlement, and making proof of citizenship, should state whether they were married;[12] for in the settlement of Oregon and the history of its division among the inhabitants, marriage had been made to assume unusual importance. Contrary to all precedent, the women of this remote region were placed by congress in this respect upon an equality with the men—it may be in acknowledgment of their having earned in the same manner and measure a right to be considered creditors of the government, or the men may have made this arrangement that they through their wives might control more land. It had, it is true, limited this equality to those who were married, or had been married on starting for Oregon,[13]

[11] *Letter to the Electors of Oregon*, 8.

[12] *Portland Oregonian*, Feb. 7, 1852.

[13] 'As respects grants of land, they will be placed upon the same footing as male citizens, provided that such widows were in this country before De-

but it was upon the presumption that there were no unmarried women in Oregon, which was near the truth. Men took advantage of the law, and to be able to lord it over a mile square of land married girls no more than children, who as soon as they became wives were entitled to claim half a section in their own right;[14] and girls in order to have this right married without due consideration.

Congress had indeed, in its effort to reward the settlers of Oregon for Americanizing the Pacific coast, refused to consider the probable effects of its bounty upon the future of the country, though it was not unknown what it might be.[15] The Oregon legislature, notwithstanding, continued to ask for additional grants and favors; first in 1851–2, that all white American women over eighteen years of age who were in the territory on the 1st of December 1850, not provided for in the donation act, should be given 320 acres of land; and to all white American women over twenty-one who had arrived in the territory or might arrive between the dates of December 1, 1850, and December 1, 1853, not provided for, 160 acres; no woman to receive more than one donation, or to receive a patent until she had resided four years in the territory.

It was also asked that all orphan children of white parents, residing in the territory before the 1st of December, 1850, who did not inherit under the act,[16]

cember 1, 1850, and are of American birth.' *Or. Spectator*, May 8, 1851. Thurston in his *Letter to the Electors* remarks that this feature of the donation act was a popular one in congress, and that he thought it just.

[14] It has been decided that the words 'single man' included an unmarried woman. 7 *Wall.*, 219. See *Deady's Gen. Laws Or.*, 1843–72. But I do not see how under that construction a woman could be prevented holding as a 'single man' first and as a married woman afterward, because the patent to her husband, as a married man, would include 640 acres, 320 of which would be hers.

[15] 'They said it would be injurious to the country schools, by preventing the country from being thickly settled; that it would retard the agricultural growth of the country; and though it would meet the case of many deserving men, it would open the door to frauds and speculations by all means to be avoided.' *Thurston's Letter to the Electors of Oregon*, 8; *Beadle's Undev. West*, 762–3; *Home Missionary*, vol. 26, p. 45.

[16] Those whose parents had died in Oregon before the passage of the law

should be granted eighty acres each; and that all orphan children whose parents had died in coming to or after arriving in Oregon between 1850 and 1853 should receive forty acres of land each.[17]

Neither of these petitions was granted[18] at the time, while many others were offered by resolution or otherwise. As the period was expiring when lands would be free, it began to be said that the time should be extended, even indefinitely, and that all lands should be free.[19]

There was never, in the history of the world, a better opportunity to test the doctrine of free land, nor anything that came so near realizing it as the settlement of Oregon. Could the government have restricted its donations to the actual cultivators of the soil, and the quantity to the reasonable requirements of the individual farmer, the experiment would have been complete. But since the donation was in the nature of a reward to all classes of emigrants alike, this could not be done, and the compensation had to be ample.

Some persons found it a hardship to be restrained from selling their land for a period of four years, and preferred paying the minimum price of $1.25 an acre to waiting for the expiration of the full term. Accordingly, in February 1853, the donation law was so amended that the surveyor-general might receive

did not come under the requirements of the donation act; nor those whose parents had died upon the road to Oregon. As they could not inherit, a direct grant was asked.

[17] *Or. Statesman*, Dec. 16, 1851.

[18] Heirs of settlers in Oregon who died prior to Sept. 27, 1850, cannot inherit or hold land by virtue of the residence and cultivation of their ancestors. *Ford* vs *Kennedy*, 1 Or. 166. The daughter of Jason Lee was portionless, while the children of later comers inherited.

[19] See *Or. Statesman*, Nov. 6, 1853. A resolution offered in the assembly of 1852–3 asked that the land east of the Cascade mountains should be immediately surveyed, and sold at the minimum price, in quantities not exceeding 640 acres to each purchaser; the money to be applied to the construction of that portion of the contemplated Pacific railroad west of the Rocky Mountains. This was the first practical suggestion of the Oregon legislature concerning the overland railroad, and appropriated all or nearly all the land in Oregon to the use of Oregon, the western portion except that north of the Columbia being to a great extent claimed.

this money after two years of settlement in lieu of the remaining two years, the rights of the claimant in the event of his death to descend to his heirs at law as before. By the amendatory act, widows of men who had they lived would have been entitled to claim under the original act were granted all that their husbands would have been entitled to receive had they lived,[20] and their heirs after them.

By this act also the extent of all government reservations was fixed. For magazines, arsenals, dockyards, and other public uses, except for forts, the amount of land was not to exceed twenty acres to each, or at one place, nor for forts more than 640 acres.[21] If in the judgment of the president it should be necessary to include in any reservation the improvements of a settler, their value should be ascertained and paid. The time fixed by this act for the expiration of the privileges of the donation law was April 1855, when all the surveyed public lands left unclaimed should be subject to public sale or private entry, the same as the other public lands of the United States.

The land law of Oregon was again amended in July 1854, in anticipation of the coming into market of the public lands, by extending to Oregon and Washington the preëmption privilege granted September 4, 1841, to the people of the territories, to apply to any unclaimed lands, whether surveyed or not. For the convenience of the later settlers, the time for giving notice to the surveyor general of the time and place of settlement was once more extended to December 1855, or the last moment before the public lands became salable. The act of 1854 declared that the donations thereafter should in no case include a town site or lands settled upon for purposes of business or

[20] See previous note 13. The surveyor general had before so construed the law.

[21] This was a great relief to the immigration at The Dalles, where the military had taken up ten miles square of land, thereby greatly inconveniencing travellers by depriving their stock of a range anywhere near the usual place of embarkation on the Columbia.

trade, and not for agriculture; but the legal subdivisions included in such town sites should be subject to the operations of the act of May 23, 1844, "for the relief of citizens of towns upon lands of the United States, under certain circumstances."[22] The proviso to the 4th section of the original act, declaring void all sales of lands before the issue of the patents therefor, was repealed, and sales were declared invalid only where the claimant had not resided four years upon the land. By these terms two subjects which had greatly troubled the land claimants were disposed of; those who had been a long time in the country could sell their lands without waiting for the issuance of their patents, and those who had taken claims and laid out towns upon natural town-sites were left undisturbed.[23] This last amendment to the donation law granted the oft-repeated prayer of the settlers that the orphan children of the earliest immigrants who died before the passage of the act of September 27, 1850, should be allowed grants of land, the donation to this class being 160 acres each. Under this amendment Jason Lee's daughter could claim the small reward of a quarter-section of land for her father's services in colonizing the country. These orphans' claims were to be set off to them by the surveyor general in good agricultural land, and in case of the decease of either of them their rights vested in the survivors of the family. Such was the land law as regarded individuals.

This act, besides, extended to the territory of Wash-

[22] This act provided that when any of the surveyed public lands had been occupied as a town site, and was not therefore subject to entry under the existing laws, in case the town were incorporated, the judges of the county court for that county should enter it at the proper land office, at the minimum price, for the several use and benefit of the occupants thereof according to their respective interests, the proceeds of the sales of lots to be disposed of according to rules and regulations prescribed by the legislature; but the land must be entered prior to the commencement of the public sale of the body of land in which the town site was included. See note on p. 72, *Gen. Laws Or.*

[23] Many patents never issued. It was held by the courts that the law actually invested the claimant who had complied with its requirements with the ownership of the land, and that the patent was simply evidence which did not affect the title. *Deady's Scraps*, 5.

ington all the provisions of the Oregon land law, or any of its amendments, and authorized a separate corps of officers for this additional surveying district, whose duties should be the same as those of the surveyor general, register, and receiver of Oregon. It also gave two townships of land each to Oregon and Washington in lieu of the two townships granted by the original act to Oregon for university purposes.

Later, on March 12, 1860, the provisions of the act of September 28, 1850, for aiding in reclaiming the swamp lands of Arkansas, were extended to Oregon, by which the state obtained a large amount of valuable lands, of which gift I shall have something to say hereafter.

From the abstract here given of the donation law at different periods, my reader will be informed not only of the bounty of the government, but of the onerous nature of the duties of the surveyor-general, who was to adjudicate in all matters of dispute or question concerning land titles. His instructions authorized and required him to settle the business of the Oregon City claim by notifying all purchasers, donees, or assigns of lots or parts of lots acquired of McLoughlin previous to March 4, 1849, to present their evidences of title, and have their land surveyed, in order that patents might be issued to them; and this in 1852 was rapidly being done.[24]

His special attention was directed to the third article of the treaty of 1846, between the United States and Great Britain, which provided that in the future appropriation of the territory south of 49° north latitude, the possessory rights[25] of the Hudson's Bay

[24] *U. S. H. Ex. Doc.* 52, v. 25, 32d cong. 1st sess.

[25] This subject came up in a peculiar shape as late as 1871, when H. W. Corbett was in the U. S. senate. A case had to be decided in the courts of Oregon in 1870, where certain persons claimed under William Johnson, who before the treaty of 1846 settled upon a tract of land south of Portland. But Johnson died before the land law was passed, and the courts decided that in this case Johnson had first lost his possessory rights by abandoning the claim; by dying before the donation law was passed, he was not provided

Company, and of all British subjects who should be found already in the occupation of land or other property lawfully acquired, within the said territory, should be respected; and to the fourth article, which declared that the farms, lands, and other property belonging to the Puget Sound Agricultural Company on the north side of the Columbia, should be confirmed to the said company, with the stipulation that in case the situation of these farms and lands should be considered by the United States to be of public and political importance, and the United States government should signify a desire to obtain possession of the whole or any part thereof, the property so required should be transferred to the said government at a proper valuation, to be agreed upon between the parties. The commissioner directed the surveyor-general to call upon claimants under the treaty, or their agents, to present to him the evidence of the rights in which they claimed to be protected by the treaty, and to show him the original localities and boundaries of the same which they held at the date of the treaty; and he was not required to survey in sections or minute subdivisions the land covered by such claims, but only to extend the township lines over them, so as to indicate their relative position and connection with the public domain.

The surveyor-general reported with regard to these claims, that McLoughlin, who had recently become a naturalized citizen of the United States, had given notice September 29, 1852, that he claimed under the treaty of 1846 a tract of land containing 640 acres, which included Oregon City within its boundaries, and that he protested against any act that would dis-

for in that act, and therefore had no title either under the treaty or the land law by which his heirs could hold. This raised a question of law with regard to the heirs of British residents of Oregon before the treaty of 1846; and Corbett introduced a bill in the senate to extend the rights of citizenship to half-breeds born within the territory of Oregon previous to 1846, and now subject to the jurisdiction of the United States, which was passed. *Sup. Court Decisions, Or. Laws*, 1870, 227–9; *Cong. Globe*, 1871–2, app. 730, 42d cong. 2d sess.; *Cong. Globe*, 1871–2, part ii., p. 1179, 42d cong. 2d sess.

turb his possession, except of the portion sold or granted by him within the limits of the Oregon City claim.[26]

As to the limits of the Hudson's Bay Company's claim in the territory, it was the opinion of chief factor John Ballenden, he said, that no one could state the nature or define the limits of that claim. He called the attention of the general land commissioner, and through him of the government, to the fact that settlers were claiming valuable tracts of land included within the limits of that claimed by the Hudson's Bay and Puget Sound companies, and controversies had arisen not only as to the boundaries, but as to the rights of the companies under the treaty of 1846; and declared that it was extremely desirable that the nature of these rights should be decided upon.[27] To decide upon them himself was something beyond his power, and he recommended, as the legislative assembly, the military commander, and the superintendent of Indian affairs had done, that the rights, whatever they were, of these companies, should be purchased. To this advice, as we know, congress turned a deaf ear, until squatters had left no land to quarrel over. The people knew nothing and cared less about the rights of aliens to the soil of the United States. In the mean time the delay multiplied the evils complained of. Let us take the site of Vancouver as an example. Either it did or it did not belong to the Hudson's Bay Company by the terms of the treaty of 1846. If it did, then it was in the nature of a grant to the company, from the fact that the donation law admitted the right of British subjects to claim under the treaty, by confining them to a single grant of land, and leaving it optional with them whether it should

[26] I have already shown that having become an American citizen, McLoughlin could not claim under the treaty. See *Deady's Or. Laws*, 1845–64, 56–7. McLoughlin was led to commit this error by the efforts of his foes to destroy his citizenship.

[27] *U. S. H. Ex. Doc. 14*, iii. 14–17, 32d cong. 2d sess.; *Olympia Columbian*, April 9, 1853.

be under the treaty or under the donation law.[28] In one case, however, it limited the amount of land, and in the other it did not. But there was no provision made in the donation law, the organic act, or anywhere else by which those claiming under the treaty could define their boundaries or have their lands surveyed and set off to them. The United States had simply promised to respect the company's rights to the lands, without inquiring what they were. They had promised also to purchase them, should it be found they were of public or political importance, and to pay a proper valuation, to be agreed upon between the parties. But the citizens of the United States, covering the lands of the Hudson's Bay and Puget Sound Agricultural companies with claims, under the donation law, deprived both companies and the United States of their possession.

One of the settlers—or, as they were called, squatters—on the Hudson's Bay Company's lands was Amos M. Short, who claimed the town site of Vancouver.[29] When he first went on the lands, before the treaty, the company put him off. But he persisted in returning, and subsequently killed two men to prevent being ejected by process of law. Nevertheless, when the donation law was passed Short took no steps to file a notification of his claim. Perhaps he was waiting the action of congress with regard to the Hudson's Bay Company's rights. While he waited he died, having lost the benefits of the act of September 27, 1850, by delay. In the mean time congress passed the act of the 14th of February, 1853, permitting all persons who had located or might hereafter locate lands in that territory, in accordance with the provisions of the law of 1850, in lieu of continued occupation, to purchase their claims at the rate of $1.25 an acre, provided they had been two years

[28] *Deady's Gen. Laws Or.*, 1845–64, 86.

[29] I have given a part of Short's history on page 793 of vol. i. He was drowned when the *Vandalia* was wrecked, in January 1853.

upon the land. The widow of Short then filed a notification under the new act, and in order to secure the whole of the 640 acres, which might have been claimed under the original donation act, dated the residence of her husband and herself from 1848. But Mrs Short, whose notification was made in October 1853, was still too late to receive the benefit of the new act, as Bishop Blanchet had caused a similar notification to be made in May, claiming 640 acres for the mission of St James[30] out of the indefinite grant to the Hudson's Bay Company. Though the company's rights of occupancy did not expire until 1859, the bishop chose to take the same view held by the American squatters, and claimed possession at Vancouver, where the priests of his church had been simply guests or chaplains, under the clause in the organic act giving missions a mile square of land; and the surveyor general of Washington Territory decided in his favor.[31] No patent was however issued to the catholic church, the question of the Hudson's Bay Company's claim remaining in abeyance, and the decision of the surveyor general being reversed by the commissioner of the general land office, after which an appeal was taken to the secretary of the interior.[32]

[30] Says Roberts: 'Even the catholics tried to get the land at Vancouver... In the face of the 11th section of the donation law, by which people were precluded from interfering with the company's lands, how could Short, the Roman catholics, and others do as they did?' *Recollections*, MS., 90, 93.

[31] The papers show that the mission notification was on file before any claims were asserted to contiguous lands. It is the oldest claim. Its recognition is coeval with the organization of Oregon, and was a positive grant more than two years before any American settler could acquire an interest in or title to unoccupied public lands. *Report of Surveyor General*, in *Claim of St James Mission*, 21; *Olympia Standard*, April 5, 1862.

[32] The council employed for the mission furnished elaborate arguments on the side of the United States, as against the rights of the Hudson's Bay Company, one of the most striking of which is the following: 'The fundamental objection to our claim is, that the United States could not in good faith dispose of these lands pending the "indefinite" rights of the Hudson's Bay Company. We have seen that as to time they were not indefinite, but had a fixed termination in May 1859. But either way, how can the United States at the same time deny their right to appropriate or dispose of the lands permanently, only respecting the possessory rights of the company, and yet in 1849, 1850, 1853, or 1854 have made such appropriation (for military purposes) and permanent disposition, and now set it up against its grant to us in 1848?...It is

The case not being definitely decided, a bill was brought before congress in 1874 for the relief of the catholic mission of St James, and on being referred to the committee on private land claims, the chairman reported that it was the opinion of the committee that the mission was entitled to 640 acres under the act of August 14, 1848, and recommended the passage of the bill, with an amendment saving to the United States the right to remove from the premises any property, buildings, or other improvements it might have upon that portion of the claim covered by the military reservation.[33] But the bill did not pass; and in 1875, a similar bill being under advisement by the committee on private land claims, the secretary of war addressed a letter to the committee, in which he said that the military reservation was valued at a million dollars, and that the claim of the St James mission covered the whole of it; and that the war department had always held that the religious establishment of the claimants was not a missionary station among Indian tribes on the 14th of August 1848, and that the occupancy of the lands in question at that date was not such as the act of congress required. The secretary recommended that the matter go before a court and jury for final adjustment, on the passage of an act providing for the settlement of this and similar claims.[34]

Again in 1876, a bill being before congress whose object was to cause a patent to be issued to the St James mission, the committee on private land claims

said that the United States had title to the lands, yet it could not dispose of them absolutely *in præsenti*, so that the grantee could demand immediate possession. Granted, so far as the Hudson's Bay Company was upon these lands with its possessory rights, those rights must be respected. But how does this admission derogate from the right to grant such title as the United States then had, which was the proprietary right, encumbered only by a temporary right of possession, for limited and special purpose?' The arguments and evidence in this case are published in a pamphlet called *Claim of the St James Mission, Vancouver, W. T., to 640 acres of Land*, from which the above is quoted.

[33] *U. S. H. Rept.*, 630, 43d cong. 1st sess., 1873–4.

[34] *U. S. H. Ex. Doc.*, 117, 43d cong. 2d sess.

reported in favor of the mission's right to the land so far only as to amend the bill so as to enable all the adverse claimants to assert their rights before the courts; and recommended that in order to bring the matter into the courts, a patent should be issued to the mission, with an amendment saving the rights of adverse claimants and of the United States to any buildings or fixtures on the land.[35]

After long delays the title was finally settled in November 1874 by the issuance of a patent to Abel G. Tripp, mayor of Vancouver, in trust for the several use and benefit of the inhabitants according to their respective interests. Under an act of the legislature the mayor then proceeded to convey to the occupants of lots and blocks the land in their possession, according to the congressional law before adverted to in reference to town sites.

That a number of land cases should grow out of misunderstandings and misconstructions of the land law was inevitable. Among the more important of the unsettled titles was that to the site of Portland. The reader already knows that in 1843 Overton claimed on the west bank of the Willamette 640 acres, of which soon after he sold half to Lovejoy, and in 1845 the other half to Pettygrove; and that these two jointly improved the claim, laying it off into lots and blocks, some of which they sold to other settlers in the town, who in their turn made improvements.

In 1845, also, Lovejoy sold his half of the claim to Benjamin Stark, who came to Portland this year as supercargo of a vessel, Pettygrove and Stark continuing to hold it together, and to sell lots. In 1848 Pettygrove, Stark being absent, sold his remaining interest to Daniel H. Lownsdale. The land being

[35] *Cong. Globe*, 1876–7, 44; *U. S. H. Rept*, 189, 44th cong. 1st sess., 1875–6; *U. S. H. Com. Rept*, i. 249, 44th cong. 1st sess.; *Portland Oregonian*, Oct. 30, 1869; *Roesi, Souvenirs*, vi. 60.

registered in the name of Pettygrove, Lownsdale laid claim to the whole, including Stark's portion, and filed his claim to the whole with the registrar, residing upon it in Pettygrove's house.[36]

In March 1849 Lownsdale sold his interest in the claim to Stephen Coffin, and immediately repurchased half of it upon an agreement with Coffin that he should undertake to procure a patent from the United States, when the property was to be equally owned, the expenses and profits to be equally divided; or if the agreement should be dissolved by mutual consent, Coffin should convey his half to Lownsdale. The deed of Coffin reserved the rights of all purchasers of lots under Pettygrove, binding the contracting parties to make good their titles when a patent should be obtained. In December of the same year Lownsdale and Coffin sold a third interest in the claim to W. W. Chapman, reserving, as before, the rights of lot owners.

Up to this time there had been no partition of the land; but in the spring of 1850, Stark having returned and asserted his right in the property, a division was agreed to between Stark and Lownsdale, by which each held his portion in severalty, and to confirm titles to purchasers on their separate parcels of land, Stark taking the northern and Lownsdale the southern half of the claim.

Upon the passage of the donation law, with its various requirements and restrictions, it became necessary for each claimant, in order not to relinquish his right to some other, to apply for a title to a definitely described portion of the whole claim. Accordingly, on the 10th of March, 1852, Lownsdale, having been four years in possession, came to an arrangement with Coffin and Chapman with regard to the division of his part of the claim in which they were

[36] Lownsdale had previously resided west of this claim, on a creek where he had a tannery, the first in Oregon to make leather for sale. He paid for the claim in leather. *Overland Monthly*, i. 36.

equal owners. The division being agreed upon, it became necessary also to make some bargain by which the lots sold on the three several portions of Lownsdale's interest might fall with some degree of fairness to the three owners when they came to make deeds after receiving patents; the same being necessary with regard to the lots previously selected by their wives out of their claims, which were exchanged to bring them within the limits agreed upon previous to going before the surveyor general for a certificate. Everything being settled between Lownsdale, Chapman, and Coffin, the first two filed their notification of settlement and claim on the 11th of March, and the latter on the 19th of August.

On the 8th of April Lownsdale, by the advice of A. E. Wait, filed a notification of claim to the whole 640 acres, upon the ground that Job McNamee, who had in 1847 attempted to jump the Portland claim, but had afterward abandoned it, had returned, and was about to file a notification for the whole claim. Lownsdale and Wait excused the dishonesty of the act by the assertion that either of the other two owners could have done the same had they chosen. A controversy arose between Chapman and Coffin on one side and Lownsdale on the other, which was decided by the surveyor general in favor of Chapman and Coffin, Lownsdale refusing to accept the decision. Stark and the others then appealed to the commissioner of the general land office, who gave as his opinion that Portland could not be held as a donation claim: first, because it dated from 1845, and congress did not recognize claims under the provisional government; again, because congress contemplated only agricultural grants; and last, on account of the clause in the organic act which made void all laws of the provisional government affecting the title to land. He also believed the town-site law to be extended to Oregon along with the other United States laws; and

further asserted that the donations were in the nature of preëmption, only more liberal.[37]

This decision made the Portland land case more intricate than before, all rights of ownership in the land being disallowed, and there being no reasonable hope that those claiming it could ever acquire any; since if they should be able to hold the land until it came into market, there would still be the danger that any person being settled upon any of the legal subdivisions might claim it, if not sufficiently settled to be organized into a town. Or should the town-site law be resorted to, the town would be parcelled out to the occupants according to the amount occupied by each. Sad ending of golden dreams!

But the commissioner himself pointed out a possible flaw in the argument, in the word 'surveyed,' in the second line of the act of 1844. The lands settled on in Oregon as town sites were not surveyed, which might affect the application of that law. The doubt led to the employment of the judicial talent of the territory in the solution of this legal puzzle, which was not, after all, so difficult as at a cursory glance it had seemed. Chief Justice Williams, in a case brought by Henry Martin against W. G. T'Vault and others, who, having sold town lots in Vancouver in exchange for Martin's land claim, under a bond to comply with the requirements of the expected donation law, and then to convey to Martin by a good and sufficient deed, refused to make good their agreement, reviewed the decision of Commissioner Wilson and Secretary McClelland in a manner that threw much light upon the town-site law, and showed Oregon lawyers capable of dealing with these knotty questions.

Judge Williams denied that that portion of the organic act which repealed all territorial laws affecting the title to land repealed all laws regulating the

[37] *Or. Statesman*, June 6, 1854; *Olympia Pioneer and Democrat*, June 24, 1854; *Portland Oregonian*, June 10, 1854. See also *Brief on behalf of Stark, Coffin, and Chapman*, prepared by S. S. Baxter.

possessory rights of settlers. Congress, he said, was aware that many persons had taken and largely improved claims under the provisional government, and did not design to leave those claims without legal protection, but simply to assert the rights of the United States; did not mean to say that the claim laws of the territory should be void as between citizen and citizen, but that the United States title should not be encumbered. He argued that if the act of 1848 vacated such claims, the act of 1850 made them valid, by granting to those who had resided upon their claims, and by protecting the rights of their heirs, in the case of their demise before the issuance of patents. The surveyor general was expressly required to issue certificates, upon the proper proof of settlement and cultivation, "whether made under the provisional government or not." He declared untenable the proposition that land occupied as a town site prior to 1850 was not subject to donation under the act. A man might settle upon a claim in 1850, and in 1852 lay it out into a town site; but the surveyor general could not refuse him a certificate, so long as he had continued to reside upon and cultivate any part of it.

The rights of settlers before 1850 and after were placed upon precisely the same footing, and therefore if a claim were taken in 1847, and laid off in town lots in 1849, supposing the law to have been complied with in other respects, the claimant would have the same rights as if he had gone upon the land after the passage of the donation law. The surveyor general could not say to an applicant who had complied with the law that he had forfeited his right by attempting to build up a town. A settler had a right to admit persons to occupy under him or to exclude them; and if he admitted them—such action not being against the public good—it ought not to prejudice his claim.

Judge Williams further held that the town-site law of 1844 was not applicable to Oregon, and that the land laws of the United States had not been extended

over this territory. The prcëmption law had never been in force in Oregon; there were no land districts or land offices established.[38] No claims had ever been taken with reference to such a law, nor had any one ever thought of being governed by them in Oregon. And as to town sites, while the California land law excepted them from private entry, the organic act of Oregon excepted only salt and mineral lands, and said nothing about town sites; while the act of 1850 specifically granted the Oregon City claim, leaving all other claims upon the same footing, one with another.

Meanwhile, the citizens of Portland who had purchased lots were in a state of bewilderment as to their titles. They knew of whom they had purchased; but since the apportionment of the surveyor general, which made over to Coffin a part of Lownsdale's conveyances and to Lownsdale and Chapman a part of Coffin's conveyances, they knew not where to look for titles. To use the words of one concerned, a 'three days' protracted meeting' of the citizens had been held to devise ways and means of obtaining titles to their lots. They finally memorialized congress to pass a special act, exempting the town site of Portland from the provisions of the donation act, which failed to meet with approval, being opposed by a counter-petition of the proprietors; though whether it would have succeeded without the opposition was unknown.

In the winter of 1854–5 a bill was before the legislative assembly for the purchase of the Portland land claim under the town-site law of 1844, before mentioned, Portland having become incorporated in 1851, and having an extent of two miles on the river by one mile west from it. Coffin and Chapman opposed the bill, and the legislature adjourned without taking

[38] Two land districts were established in February 1855, Willamette and Umpqua, but the duties of officers appointed were by act declared to be 'the same as are now prescribed by law for other land offices, and for the surveyor general of Oregon, so far as they apply to such offices.' *Or. Statutes*, 1853–4, 57. They simply extended new facilities to, without imposing any new regulations upon, the settlers.

any action in the matter.[39] Finally, the city of Portland was allowed to enter 320 acres under the town-site law in 1860, some individual claims under the same being disallowed.[40]

The decision rendered by the general land office in 1858 was that the claims of Stark, Chapman, and Coffin were good, under their several notifications; that Lownsdale's was good under his first notification; and that where the claims of these parties conflicted with the town-site entry of 320 acres their titles should be secured through the town authorities under the provisions of the act of 1844, and the supplementary act of 1854 relating to town sites.[41]

On the demise of Lownsdale, not long after, his heirs at law attempted to lay claim to certain lots in Portland which had been sold previous to the adjustment of titles, but with the understanding and agreement that when their claims should be confirmed the grantors of titles to town lots should confirm the title of the grantees. The validity of the titles obtained from Stark, Lownsdale, Coffin, and Chapman, whether confirmed or not, was sustained by the courts. A case different from either of these was one in which the heirs of Mrs Lownsdale proved that she had never dedicated to the public use in streets or otherwise a portion of her part of the donation claim; nor had the city purchased from her the ground on which Park street, the pride of Portland, was laid out. To compel the city to do this, a row of small houses was built in the street, where

[39] *Or. Statesman*, Feb. 6, 1855. As the reader has probably noticed, the town-site law was extended to Oregon in July 1854, but did not apply to claims already taken, consequently would not apply to Portland. See also *Dec. Sup. Ct, relative to Town Sites in Or.; Or. Statesman*, Aug. 8, 1875; *Or. S. C. Repts*, 1853-4.

[40] A. P. Dennison, and one Spear, made claims which were disallowed. The latter's pretensions arose from having leased some land between 1850 and 1853, and believing that he could claim as a resident under that act. Dennison's pretensions were similarly founded, and, I believe, Carter's also.

[41] *Brief in behalf of Stark, Coffin, Lownsdale, and Chapman*, 1-24; *Or. Statesman*, Dec. 21, 1858. See also *Martin* vs *T'Vault*, 1 Or. 77; *Lownsdale* vs *City of Portland* (U. S. D. C.), 1 Or. 380; *Chapman* vs *School District No. 1 et al.; Opin. Justice Deady, C. C. U. S.; Burke* vs *Lownsdale.*

they remain to this time, the city unwilling to purchase at the present value, and the owners determined not to make a present of the land to the public.[42] There was likewise a suit for the Portland levee, which had been dedicated to the use of the public. The supreme court decided that it belonged to the town; but Deady reversed the decision, on the ground that at the time the former decision was rendered the land did not belong to the city, but to Coffin, Chapman, and Lownsdale.[43]

[42] Lownsdale died in April 1862. His widow was Nancy Gillihan, to whom he was married about 1850.

[43] Apropos of the history of Portland land titles: there came to Oregon with the immigration of 1847 a woman, commonly believed to be a widow, calling herself Mrs Elizabeth Caruthers, and with her, Finice Caruthers, her son. They settled on land adjoining Portland on the south, and when the donation law of 1850 was passed, the woman entered her part of the claim under the name of Elizabeth Thomas, explaining that she had married one Thomas, in Tennessee, who had left her, and who she heard had died in 1821. She preferred for certain reasons to be known by her maiden name of Caruthers. She was allowed to claim 320 acres, and her son 320, making a full donation claim. A house was built on the line between the two portions, in which both claimants lived. In due time both 'proved up' and obtained their certificates from the land office. About 1857 Mrs Caruthers-Thomas died; and in 1860 Finice, her son, died. As he was her sole heir, the whole 640 acres belonged to him. Leaving no will, and being without family, the estate was administered upon and settled.

So valuable a property was not long without claimants. The state claimed it as an escheat, *Or. Jour. House*, 1868, 44–6, 465, but resigned its pretensions on learning that there were heirs who could claim. During this time an attempt had been made to prove Finice Thomas illegitimate. This failing, A. J. Knott and R. J. Ladd preëmpted the land left by Mrs Thomas, on the ground that being a woman she could not take under the donation act. Knott and Ladd obtained patents to the land; but they were subsequently set aside by the U. S. sup. ct, which held that a woman was a man in legal parlance, and that Mrs Thomas' claim was good.

Meantime agitation brought to the surface new facts. There were men in Oregon who had known the husband in Tennessee and Missouri, and who believed him still alive. Two who had known Thomas, or as he was called, Wrestling Joe, were sent to St Louis, accompanied by a lawyer, to discover the owner of south Portland. He was found, his identity established, his interest in the property purchased for the parties conducting the search, and he was brought to Oregon to aid in establishing the right of the purchasers. In Oregon were found a number of persons who recognized and identified him as Wrestling Joe of the Missouri frontier, though old and feeble. He was a man not likely to be forgotten or mistaken, and had a remarkable scar on his face. In 1872 a case was brought to trial before a jury, who on the evidence decided that the man brought to Oregon was Joe Thomas. Soon after, and pending an appeal to the sup. ct, a compromise was effected with the contestants, by the formation of the South Portland Real Estate Association, which bought up all the conflicting claims and entered into possession. Subsequently they sold to Villard.

After the settlement of the suits as above, Wrestling Joe became incensed with some of the men connected with the settlement, and denied that he was

Advantage was sought to be taken by some of that clause in the donation law which declared that no laws passed by the provisional legislature interfering with the primary disposal of the soil should be valid. But the courts held, very properly, that it had not been the intention of congress to interfere with the arrangements already made between the settlers as to the disposal of their claims, but that on the contrary the organic law of the territory distinctly said that all bonds and obligations valid under the laws of the provisional government, not in conflict with the laws of the United States, were to be valid under the territorial laws till altered by the legislature, and that the owners of town sites who had promised deeds were legally bound to furnish them on obtaining the title to the land. And the courts also decided that taxes should be paid on land claims before the patents issued, because by the act of September 27, 1850, the land was the property in fee simple of every claimant who had fulfilled the conditions of the law.

A question arose concerning the right of a man having an Indian woman for a wife to hold 640 acres of land, which was decided by the courts that he could so hold.

The Dalles town-site claim was involved in doubt and litigation down to a recent period, or during a term of twenty-three years. That the methodists first settled at this point as missionaries is known to the reader; also that in 1847 they sold it to Whitman, who was in possession during the Cayuse war, which drove all the white population out of the country. Thus the first claim was methodist, transferred to the presbyterians, and finally abandoned. But, as I have

that person, asserting that his name was John C. Nixon, and that all he had testified to before was false. This led to the indictment and arrest of the men who went to St Louis to find and identify Thomas, but on their trial the evidence was so strong that they were acquitted. Soon after, Thomas returned to St Louis, where he lived, as before, after the manner of a mendicant. See communication by W. C. Johnson, in *Portland Or.*, Feb. 2, 1878.

elsewhere shown, a catholic mission was maintained there afterward for some years.

From the sale[44] and abandonment of the Dalles mission to June 1850 there was no protestant mission at that place; but subsequent to the passage of the donation law, and notwithstanding the military reservation of the previous month of May, an attempt was made to revive the methodist claim in that year by surveying and making a claim which took in the old mission site; and in 1854 their agent, Thomas H. Pearne, notified the surveyor general of the fact.[45] In the interim, however, a town had grown up at this place, and certain private individuals and the town officers opposed the pretensions of the methodists. And it would seem from the action of the military authorities at an earlier date that either they differed from the methodist society as to their rights, or were willing to give them an opportunity to recover damages for the appropriation of their property, the former mission premises being located about in the centre of the reservation.

When the amended land law in 1853 reduced the military reservations in Oregon to a mile square, the reserve as laid out still took something more than half of the claim as surveyed by the methodists in 1850.[46] For this the society, by its agent, brought a

[44] The price paid by Whitman for the improvements at The Dalles was, according to the testimony of the methodist claimants, $600 in a draft on the American board, the agreement being cancelled in 1849 by a surrender of the draft.

[45] The superintendent of the M. E. mission, William Roberts, advertised in the *Spectator* of Jan. 10, 1850, that he designed to reoccupy the place, declaring that the society had only withdrawn from it for fear of the Indians, though every one could know that when the mission was sold the war had not yet broken out. The Indians were, however, ill-tempered and defiant, as I have related. See *Fulton's Eastern Oregon*, MS., 8.

[46] Fulton describes the boundaries as follows: 'When the government reduced the military reservations to a mile square, it happened that, on surveying the land so as to bring the fort in the proper position with regard to the boundaries, a strip of land was left nearly a quarter of a mile in width next the river, which was not covered by the reserve. To this strip of land the mission returned, upon the pretence that as it was not included in the military reservation, for which they had received $24,000, it was still theirs. In addition to the river front, there was also a strip of land on the east side of the reserve which was brought by the government survey within the section that

claim against the government for $20,000 for the land, and later of $4,000 for the improvements, which in their best days had been sold to Whitman for $600. Congress, by the advice of Major G. J. Raines, then in command at Fort Dalles, and through the efforts of politicians who knew the strength of the society, allowed both claims;[47] and it would have been seemly if this liberal indemnity for a false claim had satisfied the greed of that ever-hungry body of christian ministers. But they still laid claim to every foot of ground which by their survey of 1850 fell without the boundaries of the military reserve, taking enough on every side of it to make up half of a legal mission donation.[48]

The case came before three successive surveyor-generals and the land commissioners,[49] and was each time decided against the missionary society, until, as I have said, congress was induced to pay damages to the amount of $24,000, in the expectation, no doubt, that this would settle the claims of the missionaries forever. Instead of this, however, the methodist influence was strong enough with the secretary of the interior in 1875 to enlist him in the business of getting a deed in fee simple from the government of the land claimed by the missionaries,[50] although the prop-

would have been the mission claim if adhered to as originally occupied. This also they claimed, managing so well that to make out their section they went all around the reserve. *Eastern Or.*, MS., 3–5.

[47] Bill passed in June 1860. See remarks upon it by *Or. Statesman*, April 26, 1859; *Id.*, March 15, 1859; *Ind. Aff. Rept*, 1854, 284–6.

[48] They made another point—that Waller had left The Dalles and taken land at Salem, where he had but half a claim, which he wanted to fill up at The Dalles. *Fulton's Eastern Or.*, MS., 7. Deady says notwithstanding that Roberts had declared the sale to Whitman cancelled in 1849, a formal deed of quitclaim was not obtained till Feb. 28, 1859; and further, that on the 3d of November, 1858, Walker and Eells, professing to act for the American board, had conveyed the premises to M. M. McCarver and Samuel L. White, subject only to the military reservation. *Portland Oregonian*, Dec. 4, 1879; *Or. Statesman*, Aug. 25 and Sept. 8, 1855.

[49] *U. S. H. Ex. Doc.*, 1, vol. v. 5, 38th cong. 2d sess.; *Land Off. Rept*, 1864, 2; *Portland Oregonian*, Jan. 23, 1865.

[50] *Portland Advocate*, May 6, 1875; *Vancouver Register*, Aug. 6, 1875; *N. Y. Methodist*, in *Walla Walla Statesman*, May 1, 1875. Fulton says James K. Kelly told him that Delano had himself been a methodist minister, which may account for the strong interest in this case. *Eastern Or.*, MS., 6.

erty was already covered by a patent under the donation act to W. D. Bigelow, who settled at The Dalles in 1853,[51] and a deed under the town-site act. But by Judge Deady this patent was held of no effect, because the section of the statutes under which it was issued imposed conditions which were not complied with, namely, that the grant could only be made upon a survey approved by the surveyor general and found correct by the commissioner, neither of which could be maintained, as both had rejected the claim. And in any case, under the statute,[52] such a patent could operate only as a relinquishment of title on the part of the United States, and could not interfere with any valid adverse right like that of Bigelow or Dalles City, nor preclude legal investigation and decision by a proper judicial tribunal.

This legal investigation began in the circuit court of Wasco county in September 1877, but was removed in the following January to the United States district court, which rendered a decision in October 1879 adverse to the missionary society, and sustaining the rights of the town-site owners under the donation and town-site laws, founded upon a thorough examination of the history and evidence in the case. The mission then appealed to the U. S. supreme court, which, in 1883, finally affirmed Deady's decision, and The Dalles, which had been under this cloud for a quarter of a century, was at length enabled to give a clear title to its property.

The claim made by the catholics at The Dalles in

[51] Bigelow sold and conveyed, Dec. 9, 1862, an undivided third interest in 27 acres of his claim to James K. Kelly and Aaron E. Wait; and Dec. 12, 1864, also conveyed to Orlando Humason the remaining two thirds of this tract. Humason died in Sept. 1875, leaving the property to his widow Phœbe Humason, who became one of three in a suit against the missionary society. See *The Dalles Meth. Miss. Claim Cases*, 5, a pamphlet of 22 pp. Bigelow also conveyed to Kelly and Wait 46 town lots on the hill part of the town, known as Bluff addition to Dalles City. *Id.*

[52] Deady quotes it as 'section 2447 of the R. S.,' and says it was 'taken from the act of Dec. 22, 1854, authorizing the issue of patents in certain cases, and only applies where there has been a grant by statute without a provision for the issue of a patent,' which could not be affirmed in this case.

1848, and who really were in possession at the time of the passage of the organic act, was set aside, except so far as they were allowed to retain about half an acre for a building spot. So differently is law interpreted, according to whether its advocates are governed by its strict construction, by popular clamor, or by equity and common sense.

In the case of the original 'old mission' of the methodist church in the Willamette Valley, the removal of the mission school to Salem in 1843 prevented title. The land on which Salem now stands would have come under the law had not the mission school been discontinued in 1844; and the same may be said of all the several stations, that they had been abandoned before 1850.

As to the grants to protestant missions, they received little benefit from them. The American board sold Waiilatpu for $1,000 to Cushing Eells, as I have before mentioned. It was not a town site, and there was no quarrel over it. An attempt by the catholics to claim under the donation law at Walla Walla was a failure through neglect to make the proper notification, as I have also stated elsewhere. No notice of the privilege to claim at Lapwai was taken until 1862, when the Indian agent of Washington Territory for the Nez Percés was notified by Eells that the land he was occupying for agency purposes was claimed by the American board, and a contest arose about surveying the land, which was referred to the Indian bureau, Eells forbidding the agent to make any further improvements.[53] But as the law under which

[53] Charles Hutchins, the agent referred to, remarks that the missionaries at Lapwai may have acted with discretion in retiring to the Willamette Valley, although they were assured of protection by the Nez Percés; but as they had made no demonstration of returning from 1847 to 1862, and had been engaged in other pursuits, it was suggestive of the thought that it was the value of the improvements made upon the land that prompted them to put in their claim at this time. He could have added that the general improvement in this part of the country might have prompted them. *Ind. Aff. Rept*, 1862, 426.

the missions could claim required actual occupancy at the time of its passage, none of the lands resided upon by the presbyterians were granted to the board except the Waiilatpu claim from which the occupants were excluded by violence and death. Thus, of all the land which the missionaries had taken so much trouble to secure to their societies, and which the organic act was intended to convey, only the blood-stained soil of Whitman's station was ever confirmed to the church, because before 1848 every Indian mission had been abandoned except those of the catholics, who failed to manage well enough to have their claims acknowledged where they might have done so, and who committed the blunder of attempting to seize the land of the Hudson's Bay Company at Vancouver.

Great as was the bounty of the government, it was not an unmixed blessing. It developed rapacity in some places, and encouraged slothful habits among some by giving them more than they could care for, and allowing them to hope for riches from the sale of their unused acres. The people, too, soon fell out with the surveyor-general for taking advantage of his position to exact illegal fees for surveying their claims prior to the public survey, Preston requiring them to bear this expense, and to employ his corps of surveyors. About $25,000 was extorted from the farmers in this way, when Preston was removed on their complaint, and Charles K. Gardiner of Washington city appointed in his place in November 1853.

Gardiner had not long been in office before he followed Preston's example. The people protested and threatened, and Gardiner was obliged to yield. Both the beneficiaries and the federal officer knew that an appeal to the general land office would result in the people having their will in any matters pertaining to their donation. The donation privileges expired in 1855, after which time the public lands were subject

to the United States law for preëmption and purchase.[54] On the admission of Oregon as a state in 1859, out of eight thousand land claims filed in the registrar's office in Oregon City, only about one eighth had been forwarded to Washington for patent, owing to the neglect of the government to furnish clerks to the registrar, who could issue no more than one certificate daily. Fees not being allowed, this officer could not afford to hire assistants. But in 1862 fees were allowed, and the work progressed more satisfactorily, though it is doubtful if ten years afterward all the donation patents had been issued.[55]

[54] In 1856 John S. Zieber was appointed surveyor general, and held the office until 1859, when W. W. Chapman was appointed. In 1861 he gave way to B. J. Pengra, and he in turn to E. L. Applegate, who was followed by W. H. Odell, Ben. Simpson, and J. C. Tolman, all Oregon men.

[55] *Land Off. Rept*, 1858, 33, 1863, 21-2; *Or. Argus*, Sept. 11, 1858; *S. F. Bulletin*, Jan. 28, 1864.

CHAPTER XI.

POLITICS AND PROGRESS.

1853.

LEGISLATIVE PROCEEDINGS—JUDICIAL DISTRICTS—PUBLIC BUILDINGS—TENOR OF LEGISLATION—INSTRUCTIONS TO THE CONGRESSIONAL DELEGATE—HARBORS AND SHIPPING—LANE'S CONGRESSIONAL LABORS—CHARGES AGAINST GOVERNOR GAINES—OCEAN MAIL SERVICE—PROTECTION OF OVERLAND IMMIGRANTS—MILITARY ROADS—DIVISION OF THE TERRITORY—FEDERAL APPOINTMENTS—NEW JUDGES AND THEIR DISTRICTS—WHIGS AND DEMOCRATS—LANE AS GOVERNOR AND DELEGATE—ALONZO A. SKINNER—AN ABLE AND HUMANE MAN—SKETCH OF HIS LIFE AND PUBLIC SERVICES.

I HAVE said nothing about the legislative and political doings of the territory since the summer of 1852, when the assembly met in obedience to a call from Governor Gaines, only to show its contempt by adjourning without entering upon any business.[1] At the regular term in December there were present five whigs, three from Clackamas county and two from Yamhill. Only one other county, Umpqua, ran a whig ticket, and that elected a democrat, which promised little comfort for the adherents of Gaines

[1]The council was composed of Deady, Garrison, Lovejoy, Hall, and Waymire of the former legislature, and A. L. Humphry of Benton and Lane counties, Lucius W. Phelps of Linn, and Levi Scott of Umpqua, Douglas, and Jackson. Lancaster, from the north side of the Columbia, was not present. The members of the lower house were J. C. Avery and George E. Cole of Benton; W. T. Matlock, A. E. Wait, and Lot Whitcomb of Clackamas; John A. Anderson of Clatsop and Pacific; F. A. Chenoweth of Clarke and Lewis; Curtis of Douglas; John K. Hardin of Jackson; Thomas N. Aubrey of Lane; James Curl and Royal Cottle of Linn; B. F. Harding, Benjamin Simpson, and Jacob Conser of Marion; H. N. V. Holmes and J. M. Fulkerson of Polk; A. C. Gibbs of Umpqua; John Richardson, F. B. Martin, and John Carey of Yamhill; Benjamin Stark, Milton Tuttle, and Israel Mitchell of Washington. *Or. Statesman*, July 31, 1852. The officers elected in July held over.

and the federal judges, whose mendacity in denying the validity of the act of 1849, adopting certain of the Revised Statutes of 1843 of Iowa, popularly known as the steamboat code,[2] was the cause of more confusion than their opposition to the location of the seat of government act, also declared to be invalid, because two of them used the Revised Statutes of Iowa of 1838, adopted by the provisional government, in their courts, instead of the later one which the legislative assembly declared to be the law.

As I have before recorded, the legislature of 1851–2, in order to secure the administration of the laws they enacted, altered the judicial districts in such a manner that Pratt's district included the greater part of the Willamette Valley. But Pratt's term expired in the autumn of 1852–3, and a new man, C. F. Train, had been appointed in his place, toward whom the democracy were not favorably inclined, simply because he was a whig appointee.[3] As Pratt was no longer at hand, and as the business of the courts in the counties assigned to him was too great for a single judge, the legislature in 1852–3 redistricted the territory, making the 1st district, which belonged to Chief Justice Nelson, comprise the counties of Lane, Umpqua, Douglas, and Jackson; the 2d district, which would be Train's, embrace Clackamas, Marion, Yamhill, Polk, Benton, and Linn; and the 3d, or Strong's, consist of Washington, Clatsop, Clarke, Lewis, Thurston, Pierce, and Island. By this arrangement Nelson would have been compelled to remain in contact with border life during the remainder of his term had not Deady, who was then president of the council, relented so far as to procure the insertion in the act of

[2] Amory Holbrook thus named it, meaning it was a carry-all, because it had not been adopted act by act. Says the *Or. Statesman*, Jan. 8, 1853: 'The code of laws known as the steamboat code, enacted by the legislative assembly, has been and is still disregarded by both of the federal judges in the territory, while the old Iowa blue-book, expressly repealed by the assembly, is enforced throughout their districts.'

[3] The *Or. Statesman*, Dec. 18, 1852, predicted that he would never come to Oregon, and he never did.

a section allowing the judges to assign themselves to their districts by mutual agreement, only notifying the secretary of the territory, who should publish the notice before the beginning of March;[4] the concession being made on account of the active opposition of the whig members to the bill as it was first drawn, they making it a party question, and several democrats joining with them. The law as it was passed also made all writs and recognizances before issued valid, and declared that no proceedings should be deemed erroneous in consequence of the change in the districts. The judges immediately complied with the conditions of the new law, and assigned themselves to the territory they had formerly occupied.

The former acts concerning the location of the public buildings of the territory were amended at this term and new boards appointed,[5] the governor being declared treasurer of the funds appropriated, without power to expend any portion except upon an order from the several boards constituted by the legislature.[6] Here the matter rested until the next term of the legislature.

[4] *Id.*, Feb. 12, 1853. The *Statesman* remarked that the majority in the house had killed the first bill and decided to leave the people without courts, unless they could carry a party point, when the council in a commendable spirit of conciliation passed a new bill.

[5] The new board consisted of Eli M. Barnum, Albert W. Ferguson, and Alvis Kimsey. Barnum was from Ohio, and his wife was Frances Latimer of Norwalk, in that state. The penitentiary board consisted of William M. King, Samuel Parker, and Nathaniel Ford. University board, James A. Bennett, John Trapp, and Lucius Phelps.

[6] The acts of this legislature which it may be well to mention are as follows: Creating and regulating the office of prosecuting attorney; L. F. Grover being appointed for the 2d district, R. E. Stratton for the 1st, and Alexander Campbell for the 3d. At the election of June following, R. P. Boisé was chosen in the 2d district, Sims in the 1st, and Alex. Campbell in the 3d. Establishing probate courts, and providing for the election of constables and notaries public. A. M. Poe was made a notary for Thurston county, D. S. Maynard of King, John M. Chapman of Pierce, R. H. Lansdale of Island, A. A. Plummer of Jefferson, Adam Van Dusen of Clatsop, James Scudder of Pacific, Septimus Heulat of Clackamas, and W. M. King of Washington county. *Or. Statesman*, Feb. 26, 1853. An act was passed authorizing the appointment of two justices of the peace in that portion of Clackamas east of the Cascades, and appointing Cornelius Palmer and Justin Chenoweth. The commissioners of each county were authorized by act to locate a quarter-section of land for the benefit of county seats, in accordance with the law of

The resolutions of instruction to the Oregon delegate in congress at this session required his endeavor to obtain $100,000 for the improvement of the Wil-

congress passed May 26, 1824, and report such locations to the surveyor general. *Or. Gen. Laws*, 1852-3, 68.

I have spoken before of the several new counties created at this session, making necessary a new apportionment of representatives. Those north of the Columbia were Pierce, King, Island, and Jefferson. The county seat of Pierce was located on the land claim of John M. Chapman at Steilacoom; King, on the claim of David S. Maynard at Seattle; Jefferson, on the claim of Alfred A. Plummer at Port Townsend; Lewis, on the claim of Frederick A. Clark at the upper landing of the Cowlitz. Commissioners of King county were A. A. Denny, John N. Lowe, Luther M. Collins; David C. Boring, sheriff; H. D. Yesler, probate clerk. Commissioners of Jefferson county, Lucius B. Hastings, David F. Brownfield, Albert Briggs; H. C. Wilson, sheriff; A. A. Plummer, probate clerk. Commissioners of Island county, Samuel D. Howe, John Alexander, John Crockett; W. L. Allen, sheriff; R. H. Lansdale, probate clerk. Commissioners of Pierce county, Thomas M. Chambers, William Dougherty, Alexander Smith; John Bradley, sheriff; John M. Chapman, probate clerk. The county seat of Thurston county was located at Olympia, and that of Jackson county at Jacksonville. The commissioners appointed were James Cluggage, James Dean, and Abel George; Sykes, sheriff; Levi A. Rice, probate clerk. The county seat of Lane was fixed at Eugene City. The earliest settlers of this part of the Willamette were, besides Skinner, Felix Scott, Jacob Spores, Benjamin Richardson, John Brown, Marion Scott, John Vallely, Benjamin and Joseph Davis, C. Mulligan, Lemuel Davis, Hilyard Shaw, Elijah Bristow, William Smith, Isaac and Elias Briggs.

The election law was amended, removing the five years' restriction from foreign-born citizens, and reducing the probationary period of naturalized foreigners to six months.

An act was passed creating an irreducible school fund out of all moneys in any way devoted to school purposes, whether by donation, bequest, sale, or rent of school lands, or in any manner whatever, the interest of which was to be divided among the school districts in proportion to the number of children between 4 and 21 years of age, with other regulations concerning educational matters. A board of commissioners, consisting of Arnold Fuller, Jacob Martin, and Harrison Linnville, was created to select the two townships of land granted by congress to a territorial university; and an act was passed authorizing the university commissioners to sell one fourth or more of the township, to be selected south of the Columbia, for the purpose of erecting a university building.

The Wallamet University was established, by act of the legislature Jan. 10, 1853, the trustees being David Leslie, William Roberts, George Abernethy, W. H. Wilson, Alanson Beers, Francis S. Hoyt, James H. Wilbur, Calvin S. Kingsley, John Flinn, E. M. Barnum, L. F. Grover, B. F. Harding, Samuel Burch, Francis Fletcher, Jeremiah Ralston, John D. Boon, Joseph Holman, Webley Hauxhurst, Jacob Conser, Alvin F. Waller, John Stewart, James R. Robb, Cyrus Olney, Asahel Bush, and Samuel Parker.

Pilotage was established at the mouth of the Umpqua, and the office of wreck-master created for the several counties bordering on the sea-coast. S. S. Mann was appointed for Umpqua and Jackson, Thomas Goodwin for Clatsop and Pacific, and Samuel B. Crockett for the coast north of Pacific county, to serve until these offices were filled by election.

The First Methodist Church of Portland was incorporated January 25th, and the city of Portland on the 28th. A divorce law was passed at this ses-

lamette River; $30,000 for opening a military road from Steilacoom to Fort Walla Walla; $40,000 for a military road from Scottsburg to Rogue River Valley; $15,000 to build a light-house at the mouth of the Umpqua; $15,000 for buoys at the entrance of that river; and $40,000 to erect a fire-proof custom-house at that place. He was also instructed to have St Helen made a port of delivery; to have the surveyor general's office removed to Salem; to procure an increase in the number of members of council from nine to fifteen, and in the house of representatives from eighteen to thirty; to ask for a military reconnoissance of the country between the Willamette Valley and Fort Boisé; to procure the establishment of a mail route from Olympia to Port Townsend, with post-offices at Steilacoom, Seattle, and Port Townsend, with other routes and offices at Whidby Island and the mouth of the Snohomish River; to urge the survey of the boundary line between California and Oregon; to procure money for the continuance of the geological survey which had been carried on for one year previous in Oregon territory;[7] to call the attention of congress to the manner in which the Pacific Mail Steamship Company violated their contract to carry the mail from Panamá to Astoria;[8] and to endeavor

sion, the first enacted in the territory, divorces hitherto having been granted by the legislature, which failed to inquire closely into the cause for complaint. The law made impotency, adultery, bigamy, compulsion or fraud, wilful desertion for two years, conviction of felony, habitual drunkenness, gross cruelty, and failure to support the wife, one or all justification for severing the marriage tie. A later divorce law required three years' abandonment, not otherwise differing essentially from that of 1852–3. A large number of road acts were passed, showing the development of the country.

[7] In 1851 congress ordered a general reconnoissance from the Rocky Mountains to the Pacific, to be performed by the geologists J. Evans, D. D. Owens, B. F. Shumard, and Norwood. It was useful in pointing out the location of various minerals used in the operations of commerce and manufacture, though most of the important discoveries have been made by the unlearned but practical miner. *U. S. H. Ex. Doc.*, 2, pt ii. 7, 32d cong. 1 sess.; *U. S. Sen. Com. Rept*, 177, 1–3, 6, 36th cong. 1st sess.; *Or. Spectator*, Nov. 18, 1851; *Olympia Columbian*, Jan. 22, 1852.

[8] No steamship except the *Frémont*, and she only once, had ventured to cross the Umpqua bar. From 1851 to 1858 the following vessels were lost on the southern coast of Oregon: At or near the mouth of the Umpqua, the *Bostonian*, *Caleb Curtis*, *Roanoke*, *Achilles*, *Nassau*, *Almira*, *Fawn*, and *Loo-Choo*; and at or near the entrance of Coos Bay the *Cyclops*, *Jackson*, and two

to have the salary of the postmaster at that place raised to one thousand dollars.

This was a formidable amount of work for a single delegate, but Lane was equal to the undertaking. And here I will briefly review the congressional labors of Thurston's successor, who had won a lasting place in the esteem and confidence of his constituency by using his influence in favor of so amending the organic law as to permit the people to elect their own governor and judges, and when the measure failed, by sustaining the action of the legislature in the location of the seat of government.

Lane was always *en rapport* with the democracy of the territory; and while possessing less mind, less intellectual force and ability, and proceeding with less foresight than Thurston, he made a better impression in congress with his more superficial accomplishments, by his frankness, activity, and a certain gallantry and bonhomie natural to him.[9] His first work in congress was in procuring the amendment to Thurston's bill to settle the Cayuse war accounts, which authorized the payment of the amount already found due by the commissioners appointed by the legislature of 1850–1, amounting to $73,000.[10]

Among the charges brought against Governor Gaines was that of re-auditing and changing the values of the certificates of the commissioners ap-

others. In 1858 the *Emily Packard* was wrecked at Shoalwater Bay. When Gov. Curry in 1855–6 addressed a communication to the secretary of the U. S. treasury, reminding him that an appropriation had been made for light-houses and fog-signals at the Umpqua and Columbia rivers, but that none of these aids to commerce had been received, Guthrie replied that there was no immediate need of them at the Umpqua or at Shoalwater Bay, as not more than one vessel in a month visited either place! Perhaps there would have been more vessels had there been more light-houses. In Dec. 1856 the light-house at Cape Disappointment was completed, and in 1857 those at Cape Flattery, New Dungeness, and Umpqua; but the latter was undermined by the sea, being set upon the sands.

[9] There is a flattering biography of Lane, published in Washington in 1852, with the design of forwarding his political aspirations with the national democratic convention which met in Baltimore in June of that year.

[10] *U. S. H. Jour.*, 1059, 1224, 32d cong. 1st sess.; *U. S. Laws*, in *Cong. Globe*, 1851–52, pt iii. ix.; *U. S. H. Jour.*, 387, 33d cong. 1st sess.; *Or. Statesman*, July 10, 1852.

pointed by the legislature to audit the Cayuse war claims, and of retaining the warrants forwarded to him for delivery, to be used for political purposes. Lane had a different way of making the war claims profitable to himself. Gaines was informed from Washington that the report of the territorial commissioners would be the guide in the future adjustment of the Cayuse accounts. Lane procured the passage of an amendment to the former enactments on this subject, which made up the deficiency occasioned by the alteration of the certificates; and the different manner of making political capital out of the war claims commended the delegate to the affections of the people.[11] The 33d congress concluded the business of the Cayuse war by appropriating $75,000 to pay its remaining expenses.[12]

Lane urged the establishment of mail routes through the territory, and the better performance of the mail service; but although congress had appropriated in 1852 over $348,000 for the ocean mail service on the Pacific coast,[13] Oregon still justly complained that less than the right proportion was expended in carrying the mails north of San Francisco. The appropriations for the various branches of the public service in Oregon for 1852, besides mail-carrying, amounted to $78,300, and Lane collected about $800 more from the government to pay for taking the census of 1850. He also procured the passage of a bill authorizing the president to designate places for ports of entry and delivery for the collection districts of Puget Sound and Umpqua, instead of those already established, and increasing the salary of the collector at Astoria to $3,000; but he failed to secure additional collection districts, as had been prayed for by the legislature.

[11] *Or. Statesman*, May 14, 1853; *Letter of Gaines*, in *Id.*, Feb. 26, 1863; *Cong. Globe*, 1853, app. 341; *U. S. H. Com. Rept*, 122, vol. ii. 4–5, 32d cong. 1st sess.

[12] *U. S. H. Ex. Doc. 45*, 33d cong. 1st sess.; *U. S. H. Com. Rept*, 122, 33d cong. 1st sess.; *Cong. Globe*, 1853–4, 2239, 33d cong. 1st sess.

[13] *U. S. Laws*, in *Cong. Globe*, 1851–2, pt iii. xxix.

He also introduced a bill granting bounty land to the officers and soldiers of the Cayuse war, which failed as first presented, but succeeded at a subsequent session.[14]

A measure in which Lane, with his genius for military affairs, was earnestly engaged, was one for the protection of the Oregon settlers and immigrants from Indian depredations. Early in February 1852 he offered a resolution in the house that the president should be requested to communicate to that body what steps if any had been taken to secure the safety of the immigration, and in case none had been taken, that he should cause a regiment of mounted riflemen to be placed on duty in Rogue River Valley, and on the road between The Dalles and Fort Hall.[15] In the debate which followed, Lane was reproved for directing the president how to dispose of the army, and told that the matter could go before the military committee; to which he replied that there was no time for the ordinary routine, that the immigration would soon be upon the road, and that the regiment of mounted riflemen belonged of right to Oregon, having been raised for that territory. But he was met with the statement that his predecessor Thurston had declared the regiment unnecessary, and had asked its withdrawal in the name of the Oregon people;[16] to which Lane replied that Thurston might have so believed, but that although in the inhabited portion of the territory the people might be able to defend themselves, there was no protection for those

[14] Speech of Brooks of N. Y., in *Cong. Globe*, 1851–52, 627. Failing to have Oregon embraced in the benefits of this bill, Lane introduced his own, as has been said, and lost it. But at the 2d session of the 33d congress a bounty land bill was passed, which by his exertions was made to cover 'any wars' in which volunteer troops had been regularly enrolled since 1790. *Bacon's Merc. Life*, MS., 16.

[15] *Cong. Globe*, 1851–2, 507.

[16] The secretary of war writes Gaines: 'All accounts concur in representing the Indians of that region as neither numerous nor warlike. The late delegate to congress, Mr Thurston, confirmed this account, and represented that some ill feeling had sprung up between the troops and the people of the territory, and that the latter desired their removal.' *Or. Spectator*, Aug. 12, 1851.

travelling upon the road several hundred miles from the settlements, and cited the occurrences of 1851 in the Shoshone country. His resolution was laid on the table, but in the mean time he obtained an assurance from the secretary of war that troops should be placed along the overland route in time to protect the travel of 1852.[17] On the 8th of April Lane presented a petition in his own name, as a citizen of Oregon, praying for arms and ammunition to be placed by the government in the hands of the people for their defence against the savages; hoping, if no other measure was adopted, Thurston's plan, which had gained the favorable attention of congress, might be carried into effect. At the same time Senator Douglas, who was ever ready to assist the representatives of the Pacific coast, reported a bill for the protection of the overland route,[18] which was opposed because it would bring with it the discussion of the Pacific railroad question, for which congress was not prepared, and which it was at that time anxious to avoid. The bill was postponed, Lane's efforts for the protection of the territory being partly successful, as the chapter following will show.

The reconnoissance from the Willamette Valley to Fort Boisé which the legislature asked for was designed not only to hold the Indians in check, but to explore that portion of Oregon lying to the east of the head waters of the Willamette with a view to opening a road directly from Boisé to the head of the valley, complaint having been made that the legislature had not sufficiently interested itself hitherto in explorations for wagon routes. But no troops came overland this year, and it was left, as before, for the

[17] At the same time Senator Gwin of California had a bill before the senate 'to provide for the better protection of the people of California and Oregon.' *Cong. Globe*, vol. xxiv., pt i. p. 471, 32d cong. 1st sess.; *Or. Statesman*, April 6, 1852.

[18] *Cong. Globe*, 1851-2, 1684.

immigrations to open new routes, with the usual amount of peril and suffering.[19]

Appropriations for military roads, which were asked for by the legislature of 1852–3, had already been urged by Lane at the first session of the 32d congress, and were obtained at the second session, to the amount of forty thousand dollars; twenty thousand to construct a military road from Steilacoom to Walla Walla,[20] and twenty thousand for the improvement of the road from the Umpqua Valley to Rogue River.[21]

[19] The legislature of 1851–2 authorized a company of seven men, William Macey, John Diamond, W. T. Walker, William Tandy, Alexander King, Joseph Meadows, and J. Clarke, to explore an immigrant road from the upper part of the Willamette Valley to Fort Boisé, expending something over $3,000 in the enterprise. They proceeded by the middle branch of the river, by what is now known as the Diamond Peak pass, to the summit of the Cascade Mountains. They named the peak to the south of their route Macey, now called Scott peak; and that on the north Diamond peak. They followed down a small stream to its junction with Des Chutes River, naming the mountains which here cross the country from south-west to north-east the Walker Range, and down Des Chutes to Crooked River, from which they travelled east to the head of Malheur River, naming the butte which here seems to terminate the Blue Range, King peak. After passing this peak they were attacked by Indians, who wounded three of the party and captured their baggage, when they wandered for 8 days with only wild berries to eat, coming to the old immigrant road 60 miles from Boisé, and returning to the Willamette by this route. *Or. Jour. Council*, 1852–3, app. 13–15. Another company was sent out in 1853 to improve the trail marked out by the first, which they did so hastily and imperfectly that about 1,500 people who took the new route were lost for five weeks among the mountains, marshes, and deserts of the region about the head waters of the Des Chutes, repeating the experiences in a great measure of the lost immigrants of 1845. No lives were lost, but many thousand dollars' worth of property was sacrificed. *Or. Statesman*, Nov. 1, 1853, May 16, 1854; *Albany Register*, Aug. 21, 1869. I have before me a manuscript by Mrs Rowena Nichols, entitled *Indian Affairs*. It relates chiefly to the Indian wars of southern and eastern Oregon, though treating also of other matters. Mrs Nichols was but 2½ years old when with her mother and grandmother she passed through this experience. She, and one other child, a boy, lived on the milk of a cow which their elders managed to keep alive during about six weeks, being unable to eat the beef of starving oxen, like their elders. The immigration of this year amounted to 6,480 men, women, and children, much less than that of 1852. *T. Mercer*, in *Washington Sketches*, MS., 1; *Hines' Or.*, 209; *Olympia Columbian*, Nov. 27, 1852; *S. F. Alta*, Aug. 16, Sept. 19, Oct. 7, 8, 24, and 25, and Nov. 21, 1853; *S. F. D. Herald*, Aug. 31, 1852; *Or. Statesman*, Oct. 4 and Nov. 1, 1853; *Olympia Columbian*, Nov. 26, 1853.

[20] Evans in his Puyallup address says: 'Congress having made an appropriation for a military road between Fort Walla Walla and Fort Steilacoom, Lieut Richard Arnold was assigned the duty of expending it. He avoided that mountain beyond Greenwater, but in the main adopted the work of the immigrants of 1853. The money was exhausted in completing their road. He asked in vain that the labors of the citizens should be requited.' *New Tacoma Ledger*, July 9, 1880. This road was opened in 1854 for travel.

[21] This road was surveyed in 1853 by B. Alvord, assisted by Jesse Apple-

After his re-election, Lane secured another twenty-thousand-dollar appropriation to build the road asked for by the legislature, from Scottsburg to connect with the former road to Rogue River,[22] besides other appropriations sufficient to justify his boast that he had obtained more money for his territory than any other delegate had ever done.[23]

I have already spoken of the division of the territory according to the petitions of the inhabitants of the territory north of the Columbia, and a memorial of the legislature of 1852–3. This measure also Lane advocated, upon the ground that the existing territory of Oregon was of too great an area, and encouraged the democratic party in Oregon to persist in memorializing congress to remove the obnoxious federal officers appointed by a whig president.[24]

The spring of 1853 brought the long-hoped-for change in the federal appointments of the territory. Two weeks after the inauguration of Pierce as president, Lane wrote his friends in Oregon that all the

gate. It was thought that a route might be found which would avoid the Umpqua cañon; but after expending one quarter of the appropriation in surveying, the remainder was applied to improving the cañon and the Grave Creek hills. The contracts were let to Lindsay Applegate and Jesse Roberts. *Cong. Globe*, 1852–3, app. 332; *Or. Statesman*, Nov. 8, 1853.

[22] The survey of this road was begun in October 1854, by Lieut Withers, U. S. A., and completed, after another appropriation had been obtained, in 1858, by Col. Joseph Hooker, then employed by Capt. Mendall of the topographical engineers. Hooker was born in Hadley, Mass., in 1819, graduated at West Point in 1837; was adjutant at that post in 1841, and regimental adjutant in 1846. He rose to the rank of brevet colonel in the Mexican war, after which he resigned and went to farming in Sonoma County, Cal., in 1853, losing all his savings. When the civil war broke out he was living in Rogue River Valley, and at once offered his services to the government, and made an honorable record. He died at Garden City, Long Island, in October 1879. *Or. Statesman*, June 3, 1861, and Aug. 18, 1862; *Bowles' Far West*, 453; *S. F. Bulletin*, Nov. 1, 1879.

[23] *Lane's Autobiography*, MS., 131. For his territory, and not for himself. Lane's ambition was for glory, and not for money. He did compel congress to amend the organic act which gave the delegate from Oregon only $2,500 mileage, and to give him the same mileage enjoyed by the California senators and representatives, according to the law of 1818 on this subject. In the debate it came out that Thurston had received $900 over the legal sum, 'by what authority the committee were unable to learn.' *Cong. Globe*, 1851–2, 1377.

[24] The territorial officers chosen by the assembly were A. Bush, printer; L. F. Grover, auditor; C. N. Terry, librarian; J. D. Boon, treasurer.

former incumbents of the federal offices were displaced except Pratt, and he was made chief justice, with Matthew P. Deady and Cyrus Olney[25] as associates. Before the confirmation of the appointments, however, Pratt's name, owing to some rumors unfavorable to him having reached Washington, was withdrawn,[26] and that of George H. Williams,[27] a judge in Keokuk, Iowa, substituted.

With regard to the other judges, both residents of Oregon, it was said that Lane procured the appointment of Deady in order to have him out of his way a few months later. But Deady was well worthy of the position, and had earned it fairly. The appointments were well received in Oregon, and the judges opened courts in their respective districts under favorable circumstances, Deady in the southern, Olney in the northern, and Williams in the central counties. But in October it began to be rumored that a new appointment had been made for a judgeship in Oregon; to what place remained unknown for several weeks, when O. B. McFadden, of Pennsylvania, appeared in Oregon and claimed the 1st district, upon the ground that in making out Deady's commission a mistake in the name had been made, and that there-

[25] Olney was a native of Ohio, studied law and was admitted to practice in Cincinnati, removing after a few years to Iowa, where he was circuit judge, and whence he emigrated to Oregon in 1851. He resided at different times in Salem, Portland, and Astoria. He was twice a member of the legislature, and helped to frame the state constitution. He was twice married, and had 7 children, none of whom survived him. He died at Astoria Dec. 28, 1870.

[26] The charge preferred against Pratt in the senate was made by Stephen A. Douglas, that he had been corrupted by British gold.

[27] George H. Williams was born in Columbia County, N. Y., March 2, 1823. He received an academic education, and began the practice of law at an early age in Iowa, where he was soon elected judge of the circuit court. His circuit included the once famous Half-breed Tract, and the settlers elected him in the hope that he would decide their titles to the land to be good; but he disappointed them, and was not reëlected. In the presidential campaign of 1852, he canvassed Iowa for Pierce, and was chosen one of the electors to carry the vote of the state to Washington. While there he obtained the appointment of chief justice, and removed to Oregon the following year. He retained this position till 1859, when the state was admitted. In person tall, angular, and awkward, yet withal fine-looking, he possessed brain power and force, and was even sometimes eloquent as a speaker. Corr. *S. F. Bulletin*, in *Portland Oregonian*, Oct. 8, 1864.

fore he was not duly commissioned. On this flimsy pretence, by whom suggested was not known,[28] Deady was unseated and McFadden[29] took his place. Being regarded as a usurper by the majority of the democracy, McFadden was not popular. With his official acts there was no fault to be found; but by public meetings and otherwise Lane was given to understand that Oregon wanted her own men for judges, and not imported stock. Accordingly, after holding one term in the southern district, before the spring came McFadden was transferred to Washington Territory, and Deady reinstated. From this time forward there was no more appointing of non-resident judges with every change of administration at Washington. The legislature of 1853–4 once more redistricted the territory, making Marion, Linn, Lane, Benton, and Polk constitute the 1st district; Clatsop, Washington, Yamhill, and Clackamas the 2d; and the southern counties the 3d—and peace reigned thenceforward among the judiciary.

As if to crown this triumph of the Oregon democracy, Lane, whose term as delegate expired with the 32d congress, was returned to Oregon as governor, removing Gaines as Gaines had removed him.[30] Lane's popularity at this time throughout the western and south-western states, whence came the mass of the emigration to Oregon, was unquestioned. He was denominated the Marius of the Mexican war,[31] the Cincinnatus of Indiana, and even his proceedings

[28] Lane was accused, as I have said, of recommending Deady to prevent his running for delegate, which was fair enough; but it was further alleged that he planned the error in the name, and the removal which followed, for which there does not appear honorable motive.

[29] Obadiah B. McFadden was born in Washington county, Penn., Nov. 18, 1817. He studied law, and was admitted to practice in 1842, and in 1843 was elected to the state legislature. In 1845 he was chosen clerk of the court of common pleas of his county, and in 1853 was appointed by President Pierce associate justice of the sup. ct for the territory of Oregon. *Olympia Echo*, July 1, 1875.

[30] In his *Autobiography*, MS., 58, Lane remarks: 'I took care to have Gaines removed as a kind of compliment to me'!

[31] *Jenkins' History of the War with Mexico*, 496.

with regard to the Rogue River Indians were paraded as brilliant exploits to make political capital. There was an ingenuous vanity about his public and private acts, and a happy self-confidence, mingled with a flattering deference to some and an air of dignity toward others, which made him the hero of certain circles in Washington, as well as the pride of his constituency. It was with acclaim therefore that he was welcomed back to Oregon as governor, bringing with him his wife, children, and relatives, to the number of twenty-nine, that it might not be said of him that he was a non-resident of the territory. He had taken pains besides to have all the United States officers in Oregon, from the secretary, George L. Curry, to the surveyors of the ports, appointed from the residents of the territory.[32]

Lane arrived in Oregon on the 16th of May, and on the 19th he had resigned the office of governor to become a candidate for the seat in congress he had just vacated. The programme had been arranged beforehand, and his name placed at the head of the democratic ticket a month before his return. The opposing candidate was Indian Agent A. A. Skinner, Lane's superior in many respects, and a man every way fitted for the position.[33] The organization of political

[32] B. F. Harding was made U. S. attorney; J. W. Nesmith, U. S. marshal; Joel Palmer, supt Indian affairs; John Adair, collector at Astoria; A. C. Gibbs, collector at Umpqua; Wm M King, port surveyor, Portland; Robert W. Dunbar, port surveyor, Milwaukie; P. G. Stewart, port surveyor, Pacific City; and A. L. Lovejoy, postal agent. A. C. Gibbs superseded Colin Wilson, the first collector at Umpqua. The surveyors of ports removed were Thomas J. Dryer, Portland; G. P. Newell, Pacific City; N. Du Bois, Milwaukie. *Or. Statesman*, April 30, 1853.

[33] Alonzo A. Skinner was born in Portage co., Ohio, in 1814. He received a good education, and was admitted to the bar in 1840, and in 1842 settled in Putnam co., where he was elected prosecuting attorney, his commission being signed by Thomas Corwin. In 1845 he emigrated to Oregon, being appointed by Governor Abernethy one of the circuit judges under the provisional government, which office he retained till the organization of the territory. In 1851 he was appointed commissioner to treat with the Indians, together with Governor Gaines and Beverly Allen. In the latter part of that year he was made Indian agent for the Rogue River Valley, and removed from Oregon City to southern Oregon. Being a whig, and the territory overwhelmingly democratic, he was beaten in a contest for the delegateship of Oregon in 1853, Lane being the successful candidate. After the expiration of his term of office as Indian agent, he returned to Eugene City, which was founded by Eugene F. Skinner, where he married Eliza Lincoln, one of the

parties, on national as well as local issues, began with the contest between Lane and Skinner for the place as delegate, by the advice of Lane, and with all the ardor of the Salem clique of partisan democrats, whose mouth-piece was the *Oregon Statesman*. The canvass was a warm one, with all the chances in favor of Lane, who could easily gain the favor of even the whigs of southern Oregon by fighting Indians, whereas Skinner was not a fighting man. The whole vote cast at the election of 1853 was 7,486, and Lane's majority was 1,575, large enough to be satisfactory, yet showing that there was a power to be feared in the 'people's party,' as the opponents of democratic rule now styled their organization.

As soon as the result became known, Lane repaired to his land claim near Roseburg, and began building a residence for his family.[34] But before he had made much progress, he was called to take part in subduing an outbreak among the natives of Rogue River Valley and vicinity, which will be the subject of the next chapter. Having distinguished himself afresh as general of the Oregon volunteers, he returned to Washington in October to resume his congressional labors.

worthy and accomplished women sent out to Oregon as teachers by Governor Slade. On the death of Riley E. Stratton, in 1866, he was appointed by Governor Woods to fill the vacancy on the bench of the sup. ct. On retiring from this position he removed to Coos co., and was appointed collector of customs for the port of Coos Bay, about 1870. He died in April 1877, at Santa Cruz, Cal., whither he had gone for health. Judge Skinner was an old-style gentleman, generous, affable, courteous, with a dignity which put vulgar familiarity at a distance. If he did not inscribe his name highest on the roll of fame, he left to his family and country that which is of greater value, the memory of an upright and noble life. See *Portland Oregonian*, Oct. 1877.

[34] 'I had determined to locate in the Umpqua Valley, on account of the scenery, the grass, and the water. It just suited my taste. Instead of investing in Portland and making my fortune, I wanted to please my fancy.' *Lane's Autobiography*, MS., 63. Gaines also took a claim about ten miles from Salem. *Or. Statesman*, June 28, 1853.

CHAPTER XII.

ROGUE RIVER WAR.

1853–1854.

IMPOSITIONS AND RETALIATIONS—OUTRAGES BY WHITE MEN AND INDIANS—THE MILITARY CALLED UPON—WAR DECLARED—SUSPENSION OF BUSINESS—ROADS BLOCKADED—FIRING FROM AMBUSH—ALDEN AT TABLE ROCK—LANE IN COMMAND—BATTLE—THE SAVAGES SUE FOR PEACE—ARMISTICE—PRELIMINARY AGREEMENT—HOSTAGES GIVEN—ANOTHER TREATY WITH THE ROGUE RIVER PEOPLE—STIPULATIONS—OTHER TREATIES—COST OF THE WAR.

NOTWITHSTANDING the treaty entered into, as I have related, by certain chiefs of Rogue River in the summer of 1852, hostilities had not altogether ceased, although conducted less openly than before. With such a rough element in their country as these miners and settlers, many of them bloody-minded and unprincipled men, and most of them holding the opinion that it was right and altogether proper that the natives should be killed, it was impossible to have peace. The white men, many of them, did not want peace. The quicker the country was rid of the redskin vermin the better, they said. And in carrying out their determination, they often outdid the savage in savagery.

There was a sub-chief, called Taylor by white men, who ranged the country about Grave Creek, a northern tributary of Rogue River, who was specially hated, having killed a party of seven during a winter storm and reported them drowned. He committed other depredations upon small parties passing over

the road.[1] It was believed, also, that white women were prisoners among the Indians near Table Rock, a rumor arising probably from the vague reports of the captivity of two white girls near Klamath Lake.

Excited by what they knew and what they imagined, about the 1st of June, 1853, a party from Jacksonville and vicinity took Taylor with three others and hanged them. Then they went to Table Rock to rescue the alleged captive white women, and finding none, they fired into a village of natives, killing six, then went their way to get drunk and boast of their brave deeds.[2]

There was present neither Indian agent nor military officer to prevent the outrages on either side. The new superintendent, Palmer, was hardly installed in office, and had at his command but one agent,[3] whom he despatched with the company raised to open the middle route over the Cascade Mountains. As to troops, the 4th infantry had been sent to the northwest coast in the preceding September, but were so distributed that no companies were within reach of Rogue River.[4] As might have been expected, a few weeks after the exploits of the Jacksonville company, the settlements were suddenly attacked, and a bloody carnival followed.[5] Volunteer companies quickly gathered up the isolated families and patrolled

[1] *Drew*, in *Or. Jour. Council*, 1857–8, app. 26; *Or. Statesman*, June 28, 1853; *Jacksonville Sentinel*, May 25, 1867; *Dowell's Nar.*, MS., 5–6.

[2] 'Let our motto be extermination,' cries the editor of the *Yreka Herald*, 'and death to all opposers.' See also *S. F. Alta*, June 14, 1853; *Jacksonville Sentinel*, May 25, 1867. The leaders of the company were Bates and Twogood.

[3] This was J. M. Garrison. Other appointments arrived soon after, designating Samuel H. Culver and R. R. Thompson. J. L. Parrish was retained as sub-agent. *Rept of Supt Palmer*, in *U. S. H. Ex. Doc.*, i., vol. i. pt. i. 448, 33d cong. 1st sess.

[4] Five companies were stationed at Columbia barracks, Fort Vancouver, one at Fort Steilacoom, one at the mouth of Umpqua River, two at Port Orford, and one at Humboldt Bay. *Cal. Mil. Aff. Scraps*, 13–14; *Or. Statesman*, Sept. 4, 1852.

[5] August 4th, Richard Edwards was killed. August 5th, next night, Thomas J. Mills and Rhodes Noland were killed, and one Davis and Burril F. Griffin were wounded. Ten houses were burned between Jacksonville and W. G. T'Vault's place, known as the Dardanelles, a distance of ten miles.

the country, occasionally being fired at by the concealed foe.[6] A petition was addressed to Captain Alden, in command of Fort Jones in Scott Valley, asking for arms and ammunition. Alden immediately came forward with twelve men. Isaac Hill, with a small company, kept guard at Ashland.[7]

On the 7th of June, Hill attacked some Indians five miles from Ashland, and killed six of them. In return, the Indians on the 17th surprised an immigrant camp and killed and wounded several.[8] The houses everywhere were now fortified; business was suspended, and every available man started out to hunt Indians.[9]

On the 15th S. Ettinger was sent to Salem with a request to Governor Curry for a requisition on Colonel Bonneville, in command at Vancouver, for a howitzer, rifles, and ammunition, which was granted. With the howitzer went Lieutenant Kautz and six artillerymen; and as escort forty volunteers, officered by J. W. Nesmith captain, L. F. Grover 1st lieutenant, W. K. Beale 2d lieutenant, J. D. McCurdy surgeon, J. M. Crooks orderly sergeant.[10] Over two hundred volunteers were enrolled in two companies, and the chief command was given to Alden. From Yreka there were also eighty volunteers, under Cap-

[6] Thus were killed John R. Hardin and Dr Rose, both prominent citizens of Jackson county. *Or. Statesman*, Aug. 23, 1853.

[7] The men were quartered at the houses of Frederick Alberding and Patrick Dunn. Their names, so far as I know, besides Alberding and Dunn, were Thomas Smith, William Taylor, and Andrew B. Carter. The names of settlers who were gathered in at this place were Frederick Heber and wife; Robert Wright and wife; Samuel Grubb, wife and five children; William Taylor, R. B. Hagardine, John Gibbs, M. B. Morris, R. Tungate, Morris Howell. On the 13th of Aug. they were joined by an immigrant party just arrived, consisting of A. G. Fordyce, wife and three children, J. Kennedy, Hugh Smith, Brice Whitmore, Ira Arrowsmith, William Hodgkins, wife and three children, all of Iowa, and George Barnett of Illinois. *Scraps of Southern Or. Hist.*, in *Ashland Tidings*, Sept. 27, 1878.

[8] Hugh Smith and John Gibbs were killed; William Hodgkins, Brice Whitman, A. G. Fordyce, and M. B. Morris wounded.

[9] *Duncan's Southern Or.*, MS., 8, says: 'The enraged populace began to slaughter right and left.' Martin Angell, from his own door, shot an Indian. *Or. Statesman*, Aug. 23, 1853.

[10] *Grover's Pub. Life in Or.*, MS., 29; *Or. Statesman*, Aug. 23, 30, 1853.

tain Goodall. By the 9th of August, both Nesmith and the Indian superintendent were at Yoncalla.

Fighters were plenty, but they were without subsistence. Alden appointed a board of military commissioners to constitute a general department of supply.[11] Learning that the Indians were in force near Table Rock, Alden planned an attack for the night of the 11th; but in the mean time information came that the Indians were in the valley killing and burning right and left. Without waiting for officers or orders, away rushed the volunteers to the defence of their homes, and for several days the white men scoured the country in small bands in pursuit of the foe. Sam, the war chief of Rogue River, now approached the volunteer camp and offered battle. Alden, having once more collected his forces, made a movement on the 15th to dislodge the enemy, supposed to be encamped in a bushy cañon five miles north of Table Rock, but whom he found to have changed their position to some unknown place of concealment. Following their trail was exceedingly difficult, as the savages had fired the woods behind them, which obliterated it, filled the atmosphere with smoke and heat, and made progress dangerous. It was not until the morning of the 17th that Lieutenant Ely of the Yreka company discovered the Indians on Evans Creek, ten miles north of their last encampment. Having but twenty-five men, and the main force having returned to Camp Stuart for supplies, Ely fell back to an open piece of ground, crossed by creek channels lined with bunches of willows, where, after sending a messenger to headquarters for reënforcements, he halted. But before the other companies could come up, he was discovered by Sam, who hastened to attack him.

Advancing along the gullies and behind the willows, the Indians opened fire, killing two men at the first

[11] George Dart, Edward Sheil, L. A. Loomis, and Richard Dugan constituted the commission.

discharge. The company retreated for shelter, as rapidly as possible, to a pine ridge a quarter of a mile away, but the savages soon flanked and surrounded them. The fight continued for three and a half hours, Ely having four more men killed and four wounded.[12] Goodall with the remainder of his company then came up, and the Indians retreated.

On the 21st, and before Alden was ready to move, Lane arrived with a small force from Roseburg.[13] The command was tendered to Lane, who accepted it.[14]

A battalion under Ross was now directed to proceed up Evans Creek to a designated rendezvous, while two companies, captains Goodall and Rhodes, under Alden with Lane at their head, marched by the way of Table Rock. The first day brought Alden's command fifteen miles beyond Table Rock without having discovered the enemy; the second day they passed over a broken country enveloped in clouds of smoke; the third day they made camp at the eastern base of a rocky ridge between Evans Creek and a small stream farther up Rogue River. On the morning of the fourth day scouts reported the Indian trail, and a road to it was made by cutting a passage for the horses through a thicket.

Between nine and ten o'clock, Lane, riding in advance along the trail which here was quite broad, heard a gun fired and distinguished voices. The troops were halted on the summit of the ridge, and

[12] J. Shane, F. Keath, Frank Perry, A. Douglas, A. C. Colburn, and L. Lockting were killed, and Lieut Ely, John Albin, James Carrol, and Z. Shutz wounded. *Or. Statesman*, Sept. 6, 1853; *S. F. Alta*, Aug. 28, 1853.

[13] Accompanying Lane were Pleasant Armstrong of Yamhill county, James Cluggage, who had been to the Umpqua Valley to enlist if possible the Klickitat Indians against the Rogue Rivers, but without success, and eleven others. See *Lane's Autobiography*, MS., 63.

[14] Curry had commissioned Lane brigadier-general, and Nesmith, who had not yet arrived, was bearer of the commission, but this was unknown to either Alden or Lane at the time. Besides, Lane was a more experienced field-officer than Alden; but Capt. Cram, of the topographical engineers, subsequently blamed Alden, as well as the volunteers, because the command was given to Lane, 'while Alden, an army officer, was there to take it.' *U. S. H. Ex. Doc.*, 114, p. 41, 35th cong. 2d sess.; *H. Ex. Doc.*, i., pt ii. 42, 33d cong. 1st sess.

ordered to dismount in silence and tie their horses. When all were ready, Alden with Goodall's company was directed to proceed on foot along the trail and attack the Indians in front, while Rhodes with his men took a ridge to the left to turn the enemy's flank, Lane waiting for the rear guard to come up, whom he intended to lead into action.[15]

The first intimation the Indians had that they were discovered was when Alden's command fired into their camp. Although completely surprised, they made a vigorous resistance, their camp being fortified with logs, and well supplied with ammunition. To get at them it was necessary to charge through dense thickets, an operation both difficult and dangerous from the opportunities offered of an ambush. Before Lane brought up the rear, Alden had been severely wounded, the general finding him lying in the arms of a sergeant. Lane then led a charge in person, and when within thirty yards of the enemy, was struck by a rifle-ball in his right arm near the shoulder.

In the afternoon, the Indians called out for a parley, and desired peace; whereupon Lane ordered a suspension of firing, and sent Robert B. Metcalfe and James Bruce into their lines to learn what they had to say. Being told that their former friend, Lane, was in command, they desired an interview, which was granted.

On going into their camp, Lane found many wounded; and they were burning their dead, as if fearful they would fall into the hands of the enemy. He was met by chief Jo, his namesake, and his brothers Sam and Jim, who told him their hearts were sick of war, and that they would meet him seven days thereafter at Table Rock, when they would give

[15] In this expedition, W. G. T'Vault acted as aid to Gen. Lane, C. Lewis, a volunteer captain, as asst adjutant-gen., but falling ill on the 29th, Capt. L. F. Mosher, who afterward married one of Lane's daughters, took his place. Mosher had belonged to the 4th Ohio volunteers. *Lane's Rept* in *U. S. H. Ex. Doc.* i., pt ii. 40, 33d cong. 1st sess.

up their arms,[16] make a treaty of peace, and place themselves under the protection of the Indian superintendent, who should be sent for to be present at the council. To this Lane agreed, taking a son of Jo as hostage, and returning to the volunteer encampment at the place of dismounting in the morning, where the wounded were being cared for and the dead being buried.[17]

The Ross battalion arrived too late for the fight, and having had a toilsome march were disappointed, and would have renewed the battle, but were restrained by Lane. Although for two days the camps were within four hundred yards of each other, the truce remained unbroken. During this interval the Indian women brought water for the wounded white men; and when the white men moved to camp, the red men furnished bearers for their litters.[18] I find no mention made of any such humane or christian conduct on the part of the superior race.

On the 29th, both the white and red battalions moved slowly toward the valley, each wearing the appearance of confidence, though a strict watch was covertly kept on both sides.[19] The Indians established themselves for the time on a high piece of ground directly opposite the perpendicular cliffs of Table Rock, while Lane made his camp in the valley, in plain view from the Indian position, and about one mile distant, on the spot where Fort Lane was afterward located.

[16] They had 111 rifles and 86 pistols. *S. F. Alta*, Sept. 4, 1853.

[17] See *Or. Statesman*, Nov. 15, 1853. Among the slain was Pleasant Armstrong, brother of the author of *Oregon*, a descriptive work from which I have sometimes quoted. The latter says that as soon as the troops were away the remains of his brother were exhumed, and being cut to pieces were left to the wolves. *Armstrong's Or.*, 52–3. John Scarborough and Isaac Bradley were also killed. The wounded were 5 in number, one of whom, Charles C. Abbe, afterward died of his wounds. The Indian loss was 8 killed and 20 wounded.

[18] *Lane's Autobiography*, MS., 96–7.

[19] *Siskiyou County Affairs*, MS., 2, 4–5; *Minto's Early Days*, MS., 46; *Grover's Pub. Life*, MS., 28–51; *Brown's Salem Dir.*, 1871, 33–5; *Yreka Mountain Herald*, Sept. 24, 1853; *Or. Statesman*, Oct. 11, 1853; *U. S. H. Ex. Doc.*, 114, p. 41–2, 35th cong. 2d sess.; *Jacksonville Sentinel*, July 1, 1867; *Meteorol. Rep.*, 1853–4, 594; *Nesmith's Reminiscences*, in *Trans. Or. Pioneer Asso.*, 1879, p. 44; *Or. Statesman*, Sept. 27, 1853.

The armistice continued inviolate so far as concerned the volunteer army under Lane, and the Indians under Sam, Jo, and Jim. But hostilities were not suspended between independent companies ranging the country and the Grave Creek and Applegate Creek Indians, and a band of Shastas under Tipso, whose haunts were in the Siskiyou Mountains.[20]

A council, preliminary to a treaty, was held the 4th of September, when more hostages were given, and the next day Lane, with Smith, Palmer, Grover, and others, visited the Rogue River camp. The 8th was set for the treaty-making. On that day the white men presented themselves at the Indian encampment in good force and well armed. There had arrived, besides, the company from the Willamette, with Kautz and his howitzer,[21] all of which had its effect to obtain their consent to terms which, although hard, the condition of the white settlers made imperative,[22] placing

[20] R. Williams killed 12 Indians and lost one man, Thomas Philips. Owens, on Grave Creek, under pledge of peace, got the Indians into his camp and shot them all. *U. S. H. Ex. Doc.*, 99, p. 4, 33d cong. 1st sess. Again Williams surprised a party of Indians on Applegate Creek, and after inducing them to lay down their arms shot 18 of them, etc.

[21] The Indians had news of the approach of the howitzer several days before it reached Rogue River. They said it was a *hyas* rifle, which took a hatful of powder for a load, and would shoot down a tree. It was an object of great terror to the Indians, and they begged not to have it fired. *Or. Statesman*, Sept. 27, 1853.

[22] The treaty bound the Indians to reside permanently in a place to be set aside for them; to give up their fire-arms to the agent put over them, except a few for hunting purposes, 17 guns in all; to pay out of the sum received for their lands indemnity for property destroyed by them; to forfeit all their annuities should they go to war again against the settlers; to notify the agent of other tribes entering the valley with warlike intent, and assist in expelling them; to apply to the agent for redress whenever they suffered any grievances at the hands of the white people; to give up, in short, their entire independence and become the wards of a government of which they knew nothing.

The treaty of sale of their lands, concluded on the 10th, conveyed all the country claimed by them, which was bounded by a line beginning at a point near the mouth of Applegate Creek, running southerly to the summit of the Siskiyou Mountains, and along the summits of the Siskiyou and Cascade mountains to the head waters of Rogue River, and down that stream to Jump Off Joe Creek, thence down said creek to a point due north of, and thence to, the place of beginning—a temporary reservation being made of about 100 square miles on the north side of Rogue River, between Table Rock and Evans Creek, embracing but ten or twelve square miles of arable

the conquered wholly in the power of the conquerors, and in return for which they were to receive quasi benefits which they did not want, could not understand, and were better off without. A treaty was also made with the Cow Creek band of Umpquas, usually a quiet people, but affected by contact with the Grave Creek band of the Rogue River nation.[28]

land, the remainder being rough and mountainous, abounding in game, while the vicinity of Table Rock furnished their favorite edible roots.

The United States agreed to pay for the whole Rogue River Valley thus sold the sum of $60,000, after deducting $15,000 for indemnity for losses of property by settlers; $5,000 of the remaining $45,000 to be expended in agricultural implements, blankets, clothing, and other goods deemed by the sup. most conducive to the welfare of the Indians, on or before the 1st day of September 1854, and for the payment of such permanent improvements as had been made on the land reserved by white claimants, the value of which should be ascertained by three persons appointed by the sup. to appraise them. The remaining $40,000 was to be paid in 16 equal annual instalments of $2,500 each, commencing on or about the 1st of September, 1854, in clothing, blankets, farming utensils, stock, and such other articles as would best meet the needs of the Indians. It was further agreed to erect at the expense of the government a dwelling-house for each of three principal chiefs, the cost of which should not exceed $500 each, which buildings should be put up as soon as practicable after the ratification of the treaty. When the Indians should be removed to another permanent reserve, buildings of equal value should be erected for the chiefs, and $15,000 additional should be paid to the tribe in five annual instalments, commencing at the expiration of the previous instalments.

Other articles were added to the treaty, by which the Indians were bound to protect the agents or other persons sent by the U. S. to reside among them, and to refrain from molesting any white person passing through their reserves. It was agreed that no private revenges or retaliations should be indulged in on either side; that the chiefs should, on complaint being made to the Indian agent, deliver up the offender to be tried and punished, conformably to the laws of the U. S.; and also that on complaint of the Indians for any violation of law by white men against them, the latter should suffer the penalty of the law.

The sacredness of property was equally secured on either side, the Indians promising to assist in recovering horses that had been or might be stolen by their people, and the United States promising indemnification for property taken from them by the white men. And to prevent mischief being made by evil-disposed persons, the Indians were required to deliver up on the requisition of the U. S. authorities or the agents or sup. any white person residing among them. The names appended to the treaty were Joel Palmer, superintendent of Indian affairs; Samuel H. Culver, Indian agent; Apserkahar (Jo), Toquahear (Sam), Anachaharah (Jim), John, and Lympe. The witnesses were Joseph Lane, Augustus V. Kautz, J. W. Nesmith, R. B. Metcalf, John (interpreter), J. D. Mason, and T. T. Tierney. *Or. Statesman*, Sept. 27, 1853; *Nesmith's Reminiscences*, in *Trans. Or. Pioneer Asso.*, 1879, 46; *Portland West Shore*, May, 1879, 154–5; *S. F. Alta*, Sept. 24, 1853; *Palmer's Wagon Trains*, MS., 50; *Ind. Aff. Rept*, 1856, 265–7; and 1865, 469–71.

[28] The land purchased from the Cow Creek band was in extent about 800 square miles, nearly one half of which was excellent farming land, and the remainder mountainous, with a good soil and fine timber. The price agreed

On the whole, the people of Rogue River behaved very well after the treaty. The settlers and miners in the Illinois Valley about the middle of October being troubled by incursions of the coast tribes, who had fled into the interior to escape the penalty of their depredations on the beach miners about Crescent City, Lieutenant R. C. W. Radford was sent from Fort Lane with a small detachment to chastise them. Finding them more numerous than was expected, Radford was compelled to send for reënforcements, which arriving under Lieutenant Caster on the 22d, a three days' chase over a mountainous country brought them up with the marauders, when the troops had a skirmish with them, killing ten or more, and capturing a considerable amount of property which had been stolen, but losing two men killed and four wounded.

After this the miners hereabout took care of themselves, and made a treaty with that part of the Rogue River tribe, which was observed until January 1854, when a party of miners from Sailor Diggings, in their pursuit of an unknown band of robbers attacked the treaty Indians, some being killed on both sides; but the Indian agent being sent for, an explanation ensued, and peace was temporarily restored.

The Indian disturbances of 1853 in this part of Oregon, according to the report of the secretary of war,[24] cost the lives of more than a hundred white persons and several hundred Indians. The expense was estimated at $7,000 a day, or a total of $258,000, though the war lasted for little more than a month, and there had been in the field only from 200 to 500 men.

In addition to the actual direct expense of the war

upon was $12,000, two small houses, costing about $200, fencing and plowing a field of five acres, and furnishing the seed to sow it; the purchase money to be paid in annual instalments of goods. This sum was insignificant compared to the value of the land, but bargains of this kind were graded by the number of persons in the band, the Cow Creeks being but few. Besides, Indian agents who intend to have their treaties ratified must get the best bargains that can be extorted from ignorance and need.

[24] *U. S. H. Ex. Doc.*, i., pt ii. 43, 33d cong. 1st sess.

was the loss by settlers, computed by a commission consisting of L. F. Grover, A. C. Gibbs, and G. H. Ambrose[25] to be little less than $46,000. Of this amount $17,800, including payment for the improvements on the reserved lands, was deducted from the sum paid to the Indians for their lands, which left only $29,000 to be paid by congress, which claims, together with those of the volunteers, were finally settled on that basis.[26]

[25] *Portland Oregonian*, Dec. 30, 1854; *U. S. H. Ex. Doc.*, 65, 43d cong. 2d sess.

The names of the claimants on account of property destroyed, on which the Indian department paid a pro rata of 34.77 per cent out of the $15,000 retained from the treaty appropriation for that purpose, were as follows, showing who were doing business, had settled, or were mining in the Rogue River Valley at this period: Daniel and Ephraim Raymond, Clinton Barney, David Evans, Martin Angell, Michael Brennan, Albert B. Jennison, William J. Newton, Wm Thompson, Henry Rowland, John W. Patrick, John R. Hardin, Pleasant W. Stone, Jeremiah Yarnel, Wm S. King, Cram, Rogers & Co., Edith M. Neckel, John Benjamin, David N. Birdseye, Lewis Rotherend, Mary Ann Hodgkins, George H. C. Taylor, John Markley, Sigmond Eulinger, James C. Tolman, Henry Ham, William M. Elliott, Silas and Edward Day, James Triplett, Nathan B. Lane, John Agy, James Bruce, James B. Fryer, Wm G. F. Vank, Hall & Burpee, John Penneger, John E. Ross, John S. Miller, D. Irwin, Burrell B. Griffin, Traveena McComb, Wm N. Ballard, Freeman Smith, Nicholas Kohenstein, Daniel F. Fisher, Thomas D. Jewett, Sylvester Pease, David Hayhart, McGreer, Drury & Runnels, James Mooney, John Gheen, Theodosia Cameron, James Abrahams, Francis Nasarett, Galley & Oliver, T. B. Sanderson, Frederick Rosenstock, Dunn & Alluding, Asa G Fordyce, Obadiah D. Harris, James L. London, Samuel Grubb, Wm Kahler, Samuel Williams, Hiram Niday, John Anderson, Elias Huntington, Shertack Abrahams, Thomas Frazell, Weller & Rose, Robert B. Metcalf, Charles Williams, John Swinden, James R. Davis, Isaac Woolen, Wm M. Hughs. Of the settlers on the reservation lands who brought claims were these: David Evans, Matthew G. Kennedy, John G. Cook, William Hutchinson, Charles Grey, Robert B. Metcalf, Jacob Gall, George H. C. Taylor, John M. Silcott, James Lealy. *Report of Supt Palmer, in U. S. H. Ex. Doc.*, 52, p. 3–5, 38th cong. 2d sess.

CHAPTER XIII.

LEGISLATION, MINING, AND SETTLEMENT.

1853–1854.

JOHN W. DAVIS AS GOVERNOR—LEGISLATIVE PROCEEDINGS—APPROPRIATIONS BY CONGRESS—OREGON ACTS AND RESOLUTIONS—AFFAIRS ON THE UMPQUA—LIGHT-HOUSE BUILDING—BEACH MINING—INDIAN DISTURBANCES—PALMER'S SUPERINTENDENCE—SETTLEMENT OF COOS BAY—EXPLORATIONS AND MOUNTAIN-CLIMBING—POLITICS OF THE PERIOD—THE QUESTION OF STATE ORGANIZATION—THE PEOPLE NOT READY—HARD TIMES—DECADENCE OF THE GOLD EPOCH—RISE OF FARMING INTEREST—SOME FIRST THINGS—AGRICULTURAL SOCIETIES—WOOLEN MILLS—TELEGRAPHS—RIVER AND OCEAN SHIPPING INTEREST AND DISASTERS—WARD MASSACRE—MILITARY SITUATION.

LATE in October 1853 intelligence was received in Oregon of the appointment of John W. Davis of Indiana as governor of the territory.[1] He arrived very opportunely at Salem, on the 2d of December, just as the legislative assembly was about to convene. He brought with him the forty thousand dollars appropriated by congress for the erection of a capitol and penitentiary, which the legislature had been anxiously awaiting to apply to these purposes. Whether or not he was aware of the jealousy with which the law-making body of Oregon had excluded Governor Gaines from participating in legislative affairs, he prudently

[1] Davis was a native of Pennsylvania, where he studied medicine. He subsequently settled in Indiana, served in the legislature of that state, being speaker of the lower house, and was three times elected to congress, serving from 1835 to 1837, from 1839 to 1841, and from 1843 to 1847. He was once speaker of the house of representatives, and twice president of the national democratic convention. During Polk's administration he was commissioner to China. He died in 1859. *Or. Statesman*, Oct. 25, 1853; *Id.*, Oct. 11, 1859; *Or. Argus*, Oct. 15, 1859.

refrained from overstepping the limits assigned him by the organic law. When informed by a joint resolution of the assembly that they had completed their organization,[2] he simply replied that it would afford him pleasure to communicate from time to time from the archives any information they might require. This was a satisfactory beginning, and indicated a policy from which the fourth gubernatorial appointee found no occasion to depart during his administration.

The money being on hand, the next thing was to spend it as quickly as possible,[3] which the commissioners had already begun to do, but which the legislature was compelled to check[4] by appointing a new penitentiary board, and altering the plans for the capitol building. A bill introduced at this session to re-

[2] The members of the council elected for 1853-4 were L. P. Powers, of Clatsop; Ralph Wilcox, of Washington; J. K. Kelly, of Clackamas; Benj. Simpson, of Marion; John Richardson, of Yamhill; J. M. Fulkerson, of Polk. Those holding over were L. W. Phelps, A. L. Humphry, and Levi Scott. The house of representatives consisted of J. W. Moffit, Z. C. Bishop, Robert Thompson, F. C. Cason, L. F. Carter, B. B. Jackson, L. F. Grover, J. C. Peebles, E. F. Colby, Orlando Humason, Andrew Shuck, A. B. Westerfield, R. P. Boise, W. S. Gilliam, I. N. Smith, Luther Elkins, J. A. Bennett, Benj. A. Chapman, H. G. Hadley, Wm J. Martin, George H. Ambrose, John F. Miller, A. A. Durham, L. S. Thompson, S. Goff, Chauncey Nye. There was but one whig in the council, and four in the house. *Or. Statesman*, June 28, 1853. Ralph Wilcox was elected president of the council; Samuel B. Garrett, of Benton, chief clerk; and A. B. P. Wood, of Polk, assistant clerk; John K. Delashmutt, sergeant-at-arms. The house was organized by electing Z. C. Bishop, speaker; John McCracken, chief clerk; C. P. Crandell, enrolling clerk; G. D. R. Boyd, assistant clerk; G. D. Russell, sergeant-at-arms, and Joseph Hunsaker, doorkeeper. *Or. Jour. Council*, 1853 4, p. 4, 5.

[3] Half of the $20,000 appropriated for a state house, according to the commissioners' report, was already expended on the foundations, the architect's plan being to make an elegant building of stone, costing, at his estimate, $75,000. The land on which the foundation was laid was block 84 in the town of Salem, and was donated by W. H. Willson and wife, from the land which they succeeded in alienating from the methodist university lands, this being one way of enhancing the value of the remainder. The legislature ordered the superstructure to be made of wood.

[4] The penitentiary commissioners had selected two blocks of land in Portland, and had made some slight progress, expending $5,600 of the $20,000 appropriated. William M. King, president of the board, charged $10 per day as commissioner, and $5 more as acting commissioner. He speculated in lots, paying Lownsdale $150 each for four lots, on condition that two lots should be given to him, for which he received $300. 'In this way,' says the *Oregonian* of Feb. 4, 1854, 'King has pocketed $925, Lownsdale $600, and Frush $2,800, of the penitentiary fund. Add to this between $1,100 and $1,200 for his invaluable services for letting all the prisoners run away, and we have a fair exhibit of financiering under democratic misrule in Oregon.'

locate the seat of government may have had some influence in determining the action of the assembly with regard to the character of the edifice already in process of construction. It was the entering wedge for another location war, more bitter and furious than the first, and which did not culminate until 1855–6. The university had not made so much advancement as the state house and penitentiary, the appropriations for the former being in land, which had to be converted into money.[5]

Remembering the experiences of the past three years, the legislative assembly enacted a militia law constituting Oregon a military district, and requiring the appointment by the governor of a brigadier-general, who should hold office for three years, unless sooner removed; and the choice at the annual election in each council district of one colonel, one lieutenant-colonel, and one major, who should meet at a convenient place, within three months, and lay off their regimental district into company districts, to contain as nearly as possible one hundred white male adults between the ages of eighteen and forty-five years capable of bearing arms, and who should appoint captains and lieutenants to each company district, the captains to appoint sergeants and corporals. Commissions were to issue from the governor to all officers except sergeants and corporals, the term of office to be two years, unless prevented by unsoundness of mind or body, each officer to rank according to the date of his commission, the usual rules of military organization and government being incorporated into the act.[6] In compliance with this law, Governor Davis appointed,

[5] The legislature of 1852–3 had authorized the commissioners to construct the university building 'at the town of Marysville, in the county of Benton, on such land as shall be donated for that purpose by Joseph P. Friedly,' unless some better or more eligible situation should be offered. *Or. Statesman*, Feb. 5, 1853. The commissioners to select the two townships had only just completed their work.

[6] *Or. Jour. Council*, 1853–4, 113, 118, 128; *Laws of Or.*, in *Or. Statesman*, Feb. 21, 1854; *Or. Jour. Council*, 1854–5, app. 12, 15, 17.

in April 1854, J. W. Nesmith, brigadier-general; E. M. Barnum, adjutant-general; M. M. McCarver, commissary-general; and S. C. Drew, quartermaster-general.[7] An act was also passed providing for taking the will of the people at the June election, concerning a constitutional convention, and the delegate was instructed to secure from congress an act enabling them to form a state government.[8] But the people very sensibly concluded that they did not want to be a state at present, a majority of 869 being against the measure; nor did congress think well of it, the slavery question as usual exercising its influence, and although Lane said that Oregon had 60,000 population, which was an exaggeration.

The doings of the alcaldes of Jackson county as justices of the peace were legalized; for up to the time of the appearance of a United States judge in that county the administration of justice had been irregular, and often extraordinary, making the persons engaged in it liable to prosecution for illegal proceedings, and the judgments of the miners' courts void.[9] The business of the session, taken all in all, was unimportant.[10] Worthy of remark was the char-

[7] At the June election, Washington county chose J. L. Meek col, R. M. Porter lieut-col, John Pool maj.; Yamhill, J. W. Moffit col, W. Starr lieut-col, J. A. Campbell maj.; Marion, George K. Sheil col, John McCracken lieut-col, J. C. Geer maj.; Clackamas, W. A. Cason col, Thos Waterbury lieut-col, W. B. Magers maj.; Linn, L. S. Helm col, N. G. McDonald lieut-col, Isaac N. Smith maj.; Douglas, W. J. Martin col, J. S. Lane lieut-col, D. Barnes maj.; Coos, Stephen Davis col, C. Gunning lieut-col, Hugh O'Neil maj. *Or. Statesman*, June 13, 20, 27, 1854. Polk and Tillamook counties elected J. K. Delashmutt col, B. F. McLench lieut-col, B. F. Burch maj.; Benton and Lane, J. Kendall col, Jacob Allen lieut-col, William Gird maj.; Jackson, John E. Ross col, Wm J. Newton lieut-col, James H. Russell maj. *Or. Statesman*, July 1, 1854. *Or. Jour. Council*, 1857-8, App. 57.

[8] *Laws of Or.*, in *Or. Statesman*, Feb. 7, 1854; *Cong. Globe*, vol. 28, pt ii. 1117-8, 33d cong. 1st sess.

[9] *Or. Jour. Council*, 1853-4, 50; *Or. Statesman*, Jan. 17, 1854. The former alcaldes were John A. Hardin, U. S. Hayden, Chauncey Nye, Clark Rogers, and W. W. Fowler. *Laws of Oregon*, in *Or. Statesman*, Jan. 17, 1854. And this, notwithstanding Fowler had sentenced one Brown to be hanged for murder. *Prim's Judicial Anecdotes*, MS., 10. The first term of the U. S. district court held by Judge Deady began Sept. 5, 1853.

[10] Coos, Columbia, and Wasco counties were established. The name of Marysville was changed to Corvallis. Rogue River had its name changed to Gold River, and Grave Creek to Leland Creek; but such is the force of custom, these changes were not regarded, and the next legislature changed

tering of four railroad companies, only one of which took any steps toward carrying out the declared intentions of the company. In the case of the Willamette Valley Railroad Company, the commissioners held one meeting at Thorp's mills, in Polk county, and appointed days for receiving subscriptions in each of the counties. But the time was not yet ripe for railroads, and this temporary enthusiasm seems to have been aroused by the Pacific railroad survey, then in progress in the north-west territory of the United States.[11]

The success of the Oregon delegates in securing appropriations led the assembly to ask for money from the general government for "every conceivable purpose," as their mentor, the *Statesman*, reminded them, and for which it reproved them. Yet the greater part of these applications found favor with congress, either through their own merits or the address of the dele-

the name of Gold River back to Rogue River. The methodists incorporated Santiam Academy at Lebanon, in Linn county, Portland Academy and Female Seminary at Portland, and Corvallis Academy at Corvallis. The presbyterians incorporated Union Academy at Union Point. The congregationalists incorporated Tualatin Academy and Pacific University at Forest Grove; and the citizens of Polk county the Rickreal Academy, on the land claim of one Lovelady—Rickreal being the corruption of La Créole, in common use with the early settlers. Albany had its name changed to Tekanah, but it was changed back again next session. Thirty wagon roads were petitioned for, and many granted, and the Umpqua Navigation and Manufacturing Company was incorporated at this session, the object of which was to improve the navigation of the river at the head of tide-water, and utilize the water-power at the falls for mills and manufactories. The company consisted of Robert J. Ladd, J. W. Drew, R. E. Stratton, Benjamin Brattan, and F. W. Merritt; but nothing came of it, the navigation of the river being impracticable. None of the plans for making Scottsburg a manufacturing town at this time, or down to the present, succeeded. An appropriation for the improvement of the river above that place was indeed secured from congress and applied to that purpose a few years later, so far that a small steamer built for a low stage of water made one trip to Winchester. The Umpqua above the falls at Scottsburg is a succession of rapids over rocky ledges which form the bottom of the stream. The water in summer is shallow, and in winter often a rushing torrent. In the winter of 1861-2 it carried away the mills and most of the valuable improvements at the lower town, which were not rebuilt.

[11] The Willamette Valley railroad was to have been built on the west side of the valley. The commissioners were Fred. Waymire, John Thorp, and Martin L. Barber. *Or. Statesman*, April 25, 1854. The first railroad projected in Oregon was from St Helen, on the Columbia, to Lafayette, the idea being put forth by H. M. Knighton, original owner of the former place, and Crosby and Smith, owners of Milton town site. See *Or. Spectator*, April 17, 1851.

gate in advocating them. The principal appropriations now obtained were the sum before mentioned for paying the expenses of the Rogue River war; $10,000 to continue the military road from Myrtle Creek to Scottsburg; and $10,000 in addition to a former appropriation of $15,000 to construct a light-house at the mouth of the Umpqua, with a proportionate part of a general appropriation of $59,000 to be used in the construction of light-houses on the coasts of California and Oregon.[12]

[12] *Cong. Globe*, 1853–4, 2249. This work, which had been commenced on the Oregon coast in 1853, was delayed by the loss of the bark *Oriole* of Baltimore, Captain Lentz, wrecked on the bar of the Columbia the 19th of Sept., just as she had arrived inside, with material and men to erect the light-house at Cape Disappointment. The wind failing, on the ebb of the tide the *Oriole* drifted among the breakers, and on account of the stone and other heavy cargo in her hold, was quickly broken up. The crew and twenty workman, with the contractor, F. X. Kelley, and the bar-pilot, Capt. Flavel, escaped into the boats, and after twelve hours' work to keep them from being carried out to sea, were picked up by the pilot-boat and taken to Astoria. Thus ended the first attempt to build the much needed light-house at the mouth of the Columbia. In 1854 Lieut George H. Derby was appointed superintendent of light-houses in Cal. and Or. Additional appropriations were asked for in 1854. In 1856 the light-house at Cape Disappointment was completed. Its first keeper was John Boyd, a native of Maine, who came to Or. in 1853, and was injured in the explosion of the *Gazelle*. He married Miss Olivia A. Johnson, also of Maine, in 1859. They had four children. Boyd died Sept. 10, 1865, at the Cape. *Portland Oregonian*, Sept. 18, 1865. The accounting officer of the treasury was authorized to adjust the expenses of the commissioners appointed by the ter. assembly to prepare a code of laws, and of collecting and printing the laws and archives of the prov. govt. *U. S. House Jour.*, 725, 33d cong. 1st sess; *Cong. Globe*, 1853–4, app. 2322. The laws and archives of the provisional government, compiled by L. F. Grover, were printed at Salem by Asahel Bush. The code was sent to New York to be printed. The salaries of the ter. judges and the sec. were increased $500 each, and the services of Geo. L. Curry, while acting governor, were computed the same as if he had been governor. The legislative and other contingent expenses of the ter. amounted to $32,000, besides those of the surv.-gen. office, Ind. dep., mil. dep., and mail service. The expenses of the govt, not included in those paid by the U. S., amounted for the fiscal year ending Dec. 1853 to only $3,359.54; and the public debt to no more than $855.37. *Or. Statesman*, Dec. 20, 1853; *Or. Journal Council*, 1853–4, p. 143–5; *Portland Oregonian*, Jan. 27, 1854. Two new districts for the collection of customs were established at the 2d sess. of the 33d cong., viz., Cape Perpetua, and Port Orford, with collectors drawing salaries of $2,000 each, who might employ each a clerk at $1,500; and a deputy at each port of delivery at $1,000 a year; besides gauger, weigher, and measurer, at $6 a day, and an inspector at $4. *Cong. Globe*, vol. 31, app. 384, 33d cong. 2d sess. The port of entry for the district of Cape Perpetua was fixed at Gardiner, on the Umpqua River. More vessels entered the Columbia than all the other ports together. From Sept. 1, 1853, to July 13, 1854, inclusive, there were 179 arrivals at the port of Astoria, all from S. F. except one from Coos Bay, two from New York, and one from London. The London vessel brought goods for the Hudson's Bay Company, the only

Next to the payment of the war debt was the demand for a more efficient mail service. The people of the Willamette Valley still complained that their mails were left at Astoria, and that at the best they had no more than two a month. In southern Oregon it was still worse; and again the citizens of Umpqua memorialized congress on this vexatious subject. It was represented that the valleys of southern Oregon and northern California contained some 30,000 inhabitants, who obtained their merchandise from Umpqua harbor, and that it was imperatively necessary that mail communication should be established between San Francisco and these valleys. Their petition was so brought before congress that an act was passed providing for the delivery of the mails at all the ports along the coast, from Humboldt Bay to Port Townsend and Olympia, and $125,000 appropriated for the service.[13] Houses were built, a newspaper[14] was established, and hope beat high. But again

foreign vessel entering Oregon during that time. The departures from the Columbia numbered 184, all for S. F. except one for Coos Bay, two for Callao, one for Australia, and one for the S. I. Most of these vessels carried lumber, the number of feet exported being 22,567,000. *Or. Statesman*, Aug. 1, 1854. The direct appropriations asked for and obtained at the 2d sess. of this cong. were for the creation of a new land district in southern Or. called the Umpqua district, to distinguish it from the Willamette district, with an office at such point as the president might direct, *Zabriskie Land Laws*, 636; *Cong. Globe*, vol. 31, app. 380, 33d cong. 2d sess., the appropriation of $40,000 to complete the penitentiary at Portland, $27,000 to complete the state house at Salem, and $30,000 to construct the military road from Salem to Astoria, marked out in 1850 by Samuel Culver and Lieut Wood of the mounted rifles. *Or. Statesman*, Oct. 3, 1850. The military road to Astoria was partly constructed in 1855, under the direction of Lieut Derby. Money failing, a further appropriation of $15,000 was applied, and still the road remained practically useless. The appropriation of $30,000 for a light-house at the Umpqua was also expended by government officers in 1857. The tower was 105 feet high, but being built on a sandy foundation, it fell over into the sea in 1870. It does not appear that the money bestowed upon Oregon by congress in territorial times accomplished the purposes for which it was designed. Not one of the military roads was better than a mule trail, every road that could be travelled by wagons being opened by the people at their own expense.

[13] *U. S. H. Jour.*, 237, 388, 411, 516, 536, 963, 33d cong. 1st sess.; *U. S. H. Ex. Doc.*, i. pt ii. 615, 624, 701, 33d cong. 2d sess.

[14] By D. J. Lyon, at Scottsburg, called the *Umpqua Gazette*. It was first issued in April 1854, and its printer was William J. Beggs. In Nov. 1854, G. D. R. Boyd purchased a half-interest, and later removed the material to Jacksonville where the publication of the *Table Rock Sentinel* was begun in

in the summer of 1854, as after the efforts of Thurston, the Pacific Mail Steamship Company made a spasmodic pretence of keeping their contract, which was soon again abandoned out of fear of the Umpqua bar,[15] and this abandonment, together with the successful rivalry of the road from Crescent City to the Rogue River Valley, and the final destruction of the Scottsburg road by the extraordinary storms of 1861–2, terminated in a few years the business of the Umpqua, except such lumbering and fishing as were afterward carried on below Scottsburg.

The history of beach mining for gold began in the spring of 1853, the discovery of gold in the sand of the sea-beach leading to one of those sudden migrations of the mining population expressively termed a 'rush.' The first discovery was made by some half-breeds in 1852 at the mouth of a creek a few miles north of the Coquille, near where Randolph appears on the map.[16] The gold was exceedingly fine, the use of a microscope being often necessary to detect it; yet when saved, by amalgamation with mercury, was

Nov. 1855, by W. G. T'Vault, Taylor, and Blakesly, with Beggs as printer. *Or. Statesman*, Dec. 8, 1855; *Or. Argus*, Dec. 8, 1855. The name was changed to that of *Oregon Sentinel* in 1857. *Id.*, July 25, 1857. D. J. Lyons was born in Cork, Ireland, in 1813, his family being in the middle rank of life, and connected with the political troubles of 1798. His father emigrated to Kentucky in 1818. Young Lyons lost his sight in his boyhood, but was well educated by tutors, and being of a musical and literary turn of mind, wrote songs fashionable in the circle in which George D. Prentice, Edmund Flagg, and Amelia Welby were prominent. Lyons was connected with several light literary publications before coming to Oregon. He had married Virginia A. Putnam, daughter of Joseph Putnam of Lexington, with whom he emigrated to Oregon in 1853, settling at Scottsburg, where he resided nearly 30 years, removing afterward to Marshfield, on Coos Bay. Beggs was a brilliant writer on politics, but of dissipated habits. He married a Miss Beebe of Salem, and deserted her. He ran a brief career, dying in misery in New York City.

[15] The whole coast was little understood, and unimproved as to harbors. The *Anita* was lost at Port Orford in Oct. 1852. Three vessels, the *J. Merithew*, *Mendora*, and *Vandalia*, were wrecked at the mouth of the Columbia in Jan. 1853. Capt. E. H. Beard of the *Vandalia*, who was from Baltimore, Md., was drowned.

[16] S. S. Mann says that the half-breeds sold their claim to McNamara Brothers for $20,000. *Settlement of Coos Bay*, MS., 14. Armstrong, in his *Oregon*, 66, claims that his brother discovered gold on the beach at the Coquille in 1842, being driven in there in a schooner by a storm, while on his way to San Francisco.

found to be in paying quantities. The sand in which it was found existed not only on the modern beach, but on the upper Coquille, forty miles in the interior, at a place known as Johnson Diggings; but the principal deposits were from the Coquille River south along the recent beach to the California line.[17]

A mining town called Elizabeth sprung up during the summer about thirty miles south of Port Orford, and another seven miles north of the Coquille, called Randolph City.[18] The latter name may still be found on the maps, but the town has passed out of existence with hundreds of others. For, although the returns from certain localities were at first flattering, the irregular value of the deposits, and the difficulty of disposing of the gold on account of expense of separation, soon sent most of the miners back to the placer diggings of the interior, leaving a few of the less impatient to further but still futile efforts.

The natives living at the mouth of the Coquille questioned the right of the white men to occupy that region, and added to insolence robbery and murder. Therefore, on the 28th of January, a party of forty, led by George H. Abbott, went to their village, killed fifteen men, and took prisoners the women and children. Seeing which, the chiefs of other villages were

[17] 'The deposit where the gold was found is an ancient beach, 1½ miles east or back of the present beach. The mines are 180 feet above the level of the ocean, which has evidently receded to that extent. The depth of the gold varies from one to twelve feet, there being 12 feet on the ocean side to one foot on what was formerly the shore side. The breadth is from 300 to 500 feet, which is covered with white sand to a depth of 40 feet. The surface is overgrown with a dense forest, and trees of great size are found in the black sand, in a good state of preservation, which proves that there the beach was at no remote period. Iron is a large component of this black sand, and it would probably pay to work it for that metal now.' *Gale's Resources of Coos County*, 31. See also *Van Tramp's Adventures*, 154–5; *Armstrong's Or.*, 64–5, 57–9; *Davidson's Coast Pilot*, 119; *Harper's Monthly*, xiii. 594–5; *S. F. Com. Advertiser*, Feb. 23, 1854; *Taylor's Spec. Press*, 584; *Cram's Top. Mem.*, 37. W. P. Blake, in *Silliman's Journal*, vol. 20, 74, says: 'Gold is found in the beach sand from the surface to the depth of 6 feet or more; it is in very small thin scales, and separates from the black sand with difficulty. Platinum and the associate metals, iridosmine, etc., are found with the gold in large quantities, and as they cannot be separated from the gold by washing, its value in the market is considerably lessened.'

[18] Parrish, in *Ind. Aff. Rept*, 1854, 268–75, 288; *S. F. Alta*, June 5, 6, July 15, and Aug. 16, 1854.

glad to make peace on any terms, and keep it until driven again to desperation.[19]

Superintendent Palmer, in the spring of 1854, began a round of visits to his savage wards, going by the way of the Rogue River Valley and Crescent City, and proceeding up the coast to Yaquina Bay. Finding the Indians on the southern coast shy and unapproachable, he left at Port Orford Sub-agent Parrish with presents to effect a conciliation.[20]

Prominent among matters growing out of beach mining, next after the Indian difficulties, was the more perfect exploration of the Coos Bay country, which resulted from the passing back and forth of supply trains between the Umpqua and the Coquille rivers. In May 1853, Perry B. Marple,[21] after having examined the valley of the Coquille, and found what he believed to be a practicable route from Coos Bay to the interior,[22] formed an association of twenty men called the Coos Bay Company, with stock to be divided into one hundred shares, five shares to each joint proprietor,[23] and each proprietor being bound to

[19] Indian Agent F. M. Smith, after due investigation, pronounced the killing an unjustifiable massacre. *U. S. H. Ex. Doc.* 76, 268–71, 34th cong. 3d sess.

[20] See *Parrish's Or. Anecdotes*, MS., passim; *Ind. Aff. Rept*, 1854, 254–66.

[21] He was an eccentric genius, a great talker, of whom his comrades used to say that he 'came within an ace of being a Patrick Henry, but just missing it, missed it entirely.' He was a man of mark, however, in his county, which he represented in the constitutional convention—a bad mark, in some respects, judging from Deady's observations on disbarring him: 'I have long since ceased to regard anything you assert. All your acts show a degree of mental and moral obliquity which renders you incapable of discriminating between truth and falsehood or right and wrong. You have no capacity for the practice of law, and in that profession you will ever prove a curse to yourself and to the community. For these reasons, and altogether overlooking the present allegations of unprofessional conduct, it would be an act of mercy to strike your name from the roll of attorneys.' Marple went to the Florence mines in eastern Oregon on the outbreak of the excitement of 1861, and there died of consumption in the autumn of 1862. *Or. Statesman*, Dec. 8, 1862, and Jan. 12, 1868.

[22] The first settlement was made on Coos Bay in the summer of 1853, and a packer named Sherman took a provision train over the mountains from Grave Creek by a practicable route. He reported discoveries of coal. *Or. Statesman*, June 28, 1853.

[23] The proprietors were Perry B. Marple, James C. Tolman, Rollin L. Belknap, Solomon Bowermaster, Joseph H. McVay, J. A. J. McVay, Wm H.

proceed without delay to locate in a legal form all the land necessary to secure town sites, coal mines, and all important points whatsoever to the company. If upon due consideration any one wished to withdraw from the undertaking he was bound to hold his claim until a substitute could be provided. Each person remaining in the company agreed to pay the sum of five hundred dollars to the founder, from whom he would receive a certificate entitling him to one twentieth of the whole interest, subject to the regulations of the company, the projector of the enterprise being bound on his part to reveal to the company all the advantageous positions upon the bay or on Coquille river, and throughout the country, and to relinquish to the company his selections of land, the treasures he had discovered, both upon the earth or in it, and especially the stone-coal deposits by him found.[24]

The members of the company seemed satisfied with the project, and lost no time in seizing upon the various positions supposed to be valuable. Empire City was taken up as a town site about the time the company was formed,[25] and later Marshfield,[26] and the affairs of

Harris, F. G. Lockhart, C. W. Johnson, A. P. Gaskell, W. H. Jackson, Presly G. Wilhite, A. P. De Cuis, David Rohren, Charles Pearce, Matthias M. Learn, Henry A. Stark, Charles H. Haskell, Joseph Lane, S. K. Temple. *Articles of Indenture of the Coos Bay Company*, in *Oregonian*, Jan. 7, 1854; *Gibbs' Notes on Or. Hist.*, MS., 15.

[24] *Articles of Indenture of the Coos Bay Company*, in *Oregonian*, Jan. 7, 1854. See *S. F. Alta*, Jan. 3, 1854.

[25] Empire City had (in 1855) some thirty board houses, and a half-finished wharf. *Van Tramp's Adventures*, 160.

[26] I am informed by old residents of Marshfield that this was the claim of J. C. Tolman, who was associated in it with A. J. Davis. The usual confusion as to titles ensued. Tolman was forced to leave the place on account of his wife's health, and put a man named Chapman in charge. Davis, having to go away, put a man named Warwick in charge of his half of the town site. Subsequently Davis bought one half of Tolman's half, but having another claim, allowed Warwick to enter the Marshfield claim for him, in his own name, though according to the land law he could not enter land for town-site purposes. Warwick, however, in some way obtained a patent, and sold the claim to H. H. Luce, whose title was disputed because the patent was fraudulently obtained. A long contest over titles resulted, others claiming the right to enter it, because Davis had lost his right, and Warwick had never had any. Luce held possession, however. The remaining portion of Tolman's half of the town site was sold to a man named Hatch, whose claim is not disputed.

the company prospered. In January 1854, the ship *Demar's Cove* from San Francisco entered Coos Bay with a stock of goods, bringing also some settlers and miners, and in the same month the *Louisiana*, Captain Williams, from Portland took a cargo into Coos Bay for Northup & Simonds of that town, who established a branch business at Empire City,[27] Northup accompanying the cargo and settling at that place.[28]

Coal was first shipped from the Newport mine in April 1855,[29] and in 1856 a steam-vessel called the *Newport*, the first to enter this harbor, was employed in carrying cargoes to San Francisco,[30] and the same year two steam saw-mills were in operation with

[27] In a letter written by Northup to his partner, and published in the *Oregonian* of April 22, 1854, he tells of the progress of affairs. They had sounded the bay and found from 12 to 30 feet of water. The land was level and timbered, but not hard to clear. The Coquille was 'one of the prettiest rivers' ever seen. Mr Davis of S. F. was forming a company to build a railroad from the branch of the bay to the Coquille, the travel going that way to the Randolph mines. Machinery for a steamer was also coming. The whole of southern Oregon was to be connected with Coos Bay. The miners were doing well, and business was good.

[28] 'Nelson Northup, a pioneer of Portland, who came to the place in 1851, and soon after formed the firm of Northup & Simonds, well known merchants of those days. In 1854 they disposed of their business to E. J. Northup and J. M. Blossom, and removed to Coos Bay, taking into that port the second vessel from Portland. Northup remained at Coos Bay several years, and in the mean time opened up, at great expense, the first coal mines in that locality, now so famed in that respect. He died at the residence of his son E. J. Northup, in the 65th year of his age, on the 3d of July, 1874.' *Portland Oregonian*, July 4, 1874.

[29] *S. F. Alta*, May 4, 6, 12, June 28, and Oct. 7, 1854; *Or. Statesman*, May 12, 1854.

[30] She was a small craft, formerly the *Hartford*. Her engines were afterward transferred to a small teak-wood schooner, which was christened *The Fearless*, and was the first and for many years the only tug-boat on the bay. She was finally lost near Coos Head. A story has been told to this effect: By one of the early trips of the *Newport* an order was sent to Estell, her owner, to forward a few laborers for the Newport mine. Estell had charge of the California state prison, and took an interest, it was said, in its occupants, so far as to let them slip occasionally. On the return of the *Newport*, a crowd of forty hard cases appeared upon her deck. A few only were required at the mine, and the remainder dropped ashore at Empire City. The unsuspecting citizens scanned them curiously, and then retired to their domiciles. But consternation soon prevailed. Hen-roosts were despoiled and clothes-lines stripped of gracefully pendent garments. Anything and everything of value began to disappear in a mysterious manner. The people began to suspect, and to 'go for' the strangers, who were strongly urged to emigrate. The touching recollections connected with this gang led the citizens always after to speak of them as the Forty Thieves. *Coos Bay Settlement*, 10, 11.

from three to five vessels loading at a time with lumber and coal, since which period coal-mining, lumbering, and ship-building have been carried on at this point without interruption. Railroads were early projected, and many who first engaged in the development of coal mines became wealthy, and resided here till their death.[31]

Some also were unfortunate, one of the shareholders, Henry A. Stark, being drowned in the spring of 1854, while attempting with five others to go out in a small boat to some vessels lying off the bar.[32] Several of the Umpqua company, after the failure of that enterprise, settled at Coos Bay, prominent among whom was S. S. Mann, author of a pamphlet on the early settlement of that region, embellished with anecdotes of the pioneers, which will be of interest to their descendants.[33]

Any new discovery stimulated the competitive spirit of search in other directions. Siuslaw River was explored with a view to determining whether the

[31] P. Flanagan was one of the earliest of the early settlers. At Randolph his pack-train and store were the pioneers of trade. Then at Johnson's and on The Sixes in a similar way. Later, he became associated in the partnership of the Newport coal mine, where his skill and experience added largely to its success.

[32] Stark was a native of New York, emigrated to Cal. in 1849, thence to Or. in 1850. He was a land claimant for the company at Coos Bay, as well as a shareholder. John Duhy, a native of New York, emigrated to the S. I. in 1840, thence to Cal. in 1848, going to Yreka in 1851, and thence to Coos Bay at its settlement in 1853. John Robertson was a native of Nova Scotia, and a sailor. John Winters was born in Penn., and came to Or. through Cal. Alvin Brooks, born in Vt, came to Or. in 1851. John Mitchell of New York, a sailor, came to Or. in 1851. *Portland Oregonian*, March 25, 1854; *S. F. Alta*, March 22, 1854.

[33] *Coos Bay Settlement*, 18. This pamphlet of 25 pages is made up of scraps of pioneer history written for the *Coos Bay Mail*, by S. S. Mann, afterward republished in this form by the *Mail* publishers. Mann, being one of the earliest of the pioneers, was enabled to give correct information, and to his writings and correspondence I am much indebted for the facts here set down. Mann mentions the names of T. D. Winchester, H. H. Luse, A. M. Simpson, John Pershbaker, James Aiken, Dr Foley, Curtis Noble, A. J. Davis, P. Flanagan, Amos and Anson Rogers, H. P. Whitney, W. D. L. F. Smith, David Holland, I. Hacker, R. F. Ross, Yokam, Landreth, Hodson, Collver, Bogue, Miller, McKnight, Dryden, Hirst, Kenyon, Nasburg, Coon, Morse, Cammann, Buckhorn, and De Cussans, not already mentioned among the original proprietors of the Coos Bay Company; and also the names of Perry, Leghnherr, Rowell, Dement, Harris, Schroeder, Grant, and Hamblock, among the early settlers of Coquille Valley.

course of the river was such that a practicable communication could be obtained between it and the Umpqua through Smith River,[34] a northern branch of the Siuslaw. The exploration was conducted by N. Schofield. The object of the opening of the proposed route was to make a road from the Willamette Valley to the Umpqua, over which the products of the valley might be brought to Scottsburg, at the same time avoiding the most difficult portion of the mountains. But nature had interposed so many obstacles; the streams were so rapid and rocky; the mountains so rough and heavily timbered; the valleys, though rich, so narrow, and filled with tangled growths of tough vine-maple and other shrubby trees, that any road from the coast to the interior could not but be costly to build and keep in repair. The Siuslaw exploration, therefore, resulted in nothing more beneficial than the acquisition of additional knowledge of the resources of the country in timber, water-power, and soil, all of which were excellent in the valley of the Siuslaw.

Other explorations were at the same time being carried on. A trail was opened across the mountains from Rogue River Valley to Crescent City, which competed with the Scottsburg road for the business of the interior, and became the route used by the government troops in getting from the seaboard to Fort Lane.[35] Gold-hunting was at the same time prosecuted in every part of the territory with varying success, of which I shall speak in another place.[36]

[34] This is the stream where Jedediah Smith had his adventure with the Indians who massacred his party in 1828, as related in my *History of the Northwest Coast*.

[35] *Deady's Hist. Or.*, MS., 25.

[36] Mount Hood, Indian name *Wiyeast*, was ascended in August 1854, for the first time, by a party consisting of T. J. Dryer of the *Oregonian*, G. O. Haller, Olney, Wells Lake, and Travillot, a French seaman. Dryer ascended Mount St Helen, *Loowit Letkla*, the previous summer, and promised to climb Mounts Jefferson, *Phato*, and the Three Sisters at some future time. He ascertained the fact that Hood and St Helen were expiring volcanoes, which still emitted smoke and ashes from vents near their summits. *Oregonian*, Feb. 25 and Aug. 19, 1854. The first ascent of Mount Jefferson was made by P. Loony, John Allphin, William Tullbright, John Walker, and E. L.

The politics of 1854 turned mainly on the question of a state constitution, though the election in June revealed the fact that the democracy, while still in the ascendant, were losing a little ground to the whigs, and chiefly in the southern portion of the territory. Of the three prosecuting attorneys elected, one, P. P. Prim,[37] was a whig, and was chosen in the 3d district by a majority of seven over the democratic candidate, R. E. Stratton,[38] former incumbent. R. P. Boisé was elected prosecuting attorney for the 1st or middle district, and N. Huber of the 2d or northern district.

The democratic leaders were those most in favor of assuming state dignities, while the whigs held up before their following the bill of cost; though none objected

Massey, July 11, 1854, a party prospecting for gold in the Cascade Mountains. *Or. Statesman*, Aug. 22, 1854. Mt Adams was called by the Indians *Klickilat*, and Mt Rainier, *Takoma*. *Gold-hunting in the Cascade Mountains*, passim.

[37] Payne P. Prim was born in Tenn. in 1822, emigrated to Or. in 1851, and went to the mines in Rogue River Valley the following year. His election as prosecuting attorney of the southern district brought him into notice, and on the division of the state of Oregon into four judicial districts, and when Deady, chosen judge of the supreme court from that district, was appointed U. S. dist. judge, the gov. appointed Prim to fill the vacancy from the 1st district for the remainder of the term, to which office he was subsequently elected, holding it for many years. A valuable manuscript, entitled *Prim's Judicial Anecdotes*, has furnished me very vivid reminiscences of the manner of administering justice in the early mining camps, and first organized courts, to which I have occasion to refer frequently in this work. See *Popular Tribunals*, passim, this series.

[38] Riley E. Stratton was a native of Penn., born in 1821. He was taught the trade of a millwright, but afterward took a collegiate course, and graduated at Marietta, Ohio, with the intention of becoming a minister; his plans being changed, he studied law, and was admitted to the bar in Madison, Ind., coming to Or. by way of Cape Horn in 1852, his father, C. P. Stratton, emigrating overland in the same year. C. P. Stratton was born in New York Dec. 30, 1799. He removed to Penn. in his boyhood, and again to Ind. in 1836. He had twelve children, of whom C. C. Stratton is a minister of the methodist church, and president of the University of the Pacific in California. He settled in the Umpqua Valley, but subsequently removed to Salem, where he died Feb. 26, 1873. Riley E. Stratton settled at Scottsburg. He was elected prosecuting attorney of the southern district by the legislative assembly in 1853–4; but beaten by Prim at the election by the people, as stated above. When Oregon became a state he was elected judge of the 2d judicial district, and reëlected in 1864. He married Sarah Dearborn in Madison, Indiana. He left the democratic party to support the union on the breaking-out of the rebellion. He was an affable, honorable, and popular man. His death occurred in Dec. 1866. *Eugene State Journal*, Dec. 29, 1866; *Or. Reports*, vol. ii. 195–9; *Deady's Scrap Book*, 77, 170.

to securing the 500,000 acres of land, which on the day of Oregon's admission as a state would be hers, to be applied to internal improvements,[39] and other grants which might reasonably be expected, and which might amount to millions of acres with which to build railroads and improve navigation.

Judge Pratt, thinking he would like a seat in the United States senate, advocated state admission, and to assist himself started in Portland, in connection with Alonzo Leland, a political sheet called the *Democratic Standard,* which served to provoke the ridicule of the *Statesman;* while the *Oregonian* denounced the editors and their object in the severest terms. The *Statesman,* as usual, carried its points so far as electing its candidates, except in a few instances, against the whigs, and also against the prohibitionists, or Maine-law party.[40] But the majority against a state constitution was about one hundred and fifty, a majority so small, however, as to show that, as the democrats had intimated, it would be reduced to nothing by a year or two more of effort in that direction.

In the spring of 1854 there were complaints of hard times in Oregon, which were to be accounted for partly by the Indian disturbances, but chiefly by reason of neglect of the farming interests and a falling-off in the yield of the mines. The great reaction was at hand throughout the coast. Business was prostrated in California, and Oregon felt it, just as Oregon had felt California's first flush on finding gold. To counteract the evil, agricultural societies began to be formed in the older counties.[41] The lumbering interest had greatly declined also, after the erection

[39] See the 8th section of an act of congress in relation thereto, passed in 1841.

[40] The Maine-law candidates for seats in the legislature were Elisha Strong and O. Jacobs of Marion; S. Nelson, P. H. Hatch, E. D. Shattuck of Clackamas; D. W. Ballard of Linn; Ladd and Gilliam of Polk; J. H. D. Henderson and G. W. Burnett of Yamhill.

[41] The constitution of the Yamhill Agricultural Society, F. Martin, president, A. S. Watt, secretary, was published July 25, 1854, in the *Or. Statesman.*

of mills in California, and lumber and flour being no longer so much sought after, caused a sensible lessening of the income of Oregon. But the people of Oregon well knew that their immense agricultural resources would bring them out of all their troubles if they would only apply themselves in the right direction and in the right way.

The counties which led in this industrial revival were Washington, Yamhill, Marion, and Polk. The first county fair held was in Yamhill on the 7th of October, 1854, followed by Marion on the 11th, and Polk on the 12th. The exhibit of horses, cattle, and fruit was fairly good, of sheep, grain, and domestic manufactures almost nothing;[42] but it was a beginning from which steadily grew a stronger competitive interest in farm affairs, until in 1861 a state agricultural society was formed, whose annual meeting is the principal event of each year in farming districts.[43]

The first step toward manufacturing woollen fabrics was also taken in 1854, when a carding machine was erected at Albany by E. L. Perham & Co. Farmers who had neglected sheep-raising now purchased sheep of the Hudson's Bay Company.[44] Early in the spring of 1855 Barber and Thorpe of Polk county erected machinery for spinning, weaving, dying, and dressing woollen cloths.[45] In 1856 a company was organized at Salem to erect a woollen-mill at that place, the first important woollen manufactory on the Pacific coast. It was followed by the large establishment at Oregon City and several smaller ones in the course of a few years.[46]

[42] *Or. Statesman*, Oct. 17, 1854. Mrs R. C. Geer entered two skeins of yarn, the first exhibited and probably the first made in Oregon. The address was delivered to the Marion county society, which met at Salem, by Mr Woodsides. L. F. Grover, in his *Pub. Life in Or.*, MS., says he delivered the first Marion county address, but he is mistaken. He followed in 1855.

[43] *Brown's Salem Directory*, 1871, 37–77.

[44] *Or. Stat.*, May 23 and Oct. 10, 1854; *Tolmie's Puget Sound*, MS., 24.

[45] *Or. Statesman*, March 20, 1855. R. A. Gessner received a premium in 1855 from the Marion county society for the 'best jeans.'

[46] Grover, *Pub. Life in Or.*, MS., 68–9, was one of the first directors in the Salem mill. See also *Watt's First Things*, MS., 8–10.

The first proposal to establish a telegraph line between California and Oregon was made in October of 1854. Hitherto, no more rapid means of communication had existed than that afforded by express companies, of which there were several. The practice of sending letters by express, which prevailed all over the Pacific coast at this time, and for many years thereafter, arose from the absence or the irregularity in the carriage of mails by the government. As soon as a mining camp was established, an express became necessary; and though the service was attended with many hardships and no small amount of danger, there were always to be found men who were eager to engage in it for the sake of the gains, which were great.[47] The business of the country did not require telegraphic correspondence, and its growth was delayed for almost another decade.[48]

[47] The first express company operating in Oregon was Todd & Co., followed very soon by Gregory & Co., both beginning in 1851. Todd & Co. sold out to Newell & Co. in 1852. The same year Dugan & Co., a branch of Adams & Co., began running in Oregon; also T'Vault's Oregon and Shasta express, and McClaine & Co.'s Oregon and Shasta express. In the latter part of 1852 Adams & Co. began business in Oregon; but about the beginning of 1853, with other companies, retired and left the field to Wells, Fargo & Co., improved mail communication gradually rendering the services of the companies, except for the carrying of treasure and other packages, superfluous. The price fell from fifty cents on a letter in a gradually declining scale to ten cents, where it remained for many years, and at last to five cents; and packages to some extent in proportion. Besides the regular companies, from 1849 to 1852 there were many private express riders who picked up considerable money in the mountain camps.

[48] Charles F. Johnson, an agent of the Alta California Telegraph Company, first agitated the subject of a telegraph line to connect Portland with the cities of California, and so far succeeded as to have organized a company to construct such a line from Portland to Corvallis, which was to be extended in time to meet one from Marysville, California, to Yreka on the border. The Oregon line was to run to Oregon City, Lafayette, Dayton, Salem, and Corvallis. It was finished to Oregon City Nov. 15, 1855, the first message being sent over the wires on the 16th, and the line reached Salem by Sept. 1856, but it was of so little use that it was never completed nor kept in repair. Neither the interests of the people nor their habits made it requisite. In 1868 the California company had completed their line to Yreka, for which during the period of the civil war, the Oregonians had reason to be thankful, and having taken some long strides in progress during the half-dozen years between 1855 and 1861, they eagerly subscribed to build a line to Yreka from Portland, on being solicited by J. E. Strong, former president of the same company. Of the Oregon company, W. S. Ladd was elected president; S. G. Reed, secretary; H. W. Corbett, treasurer; John McCracken, superintendent; W. S. Ladd, D. F. Bradford, A. G. Richardson, C. N. Terry, and

Steam navigation increased rapidly in proportion to other business, the principal trade being confined to the Willamette River, although about this time there began to be some traffic on the Columbia, above as well as below the mouth of the Willamette.[49] Ocean

A. L. Lovejoy, directors. Strong, contractor, owned considerable stock in it, which he sold to the California State Telegraph Company in 1863, the line being completed in March. In 1868 a line of telegraph was extended to The Dalles, and eastward to Boisé City, by the Oregon Steam Navigation Company, in 1869. A new line to the east was erected in 1876, which was extended to S. F., and a line to Astoria at the mouth of the Columbia.

[49] The *Gazelle* was a side-wheel boat built for the upper Willamette in 1853 by the company which constructed the basin and hoisting works at the falls, and began to run in March 1854, but in April exploded her boiler while lying at her wharf, causing the most serious calamity which ever occurred on Oregon waters. She had on board about 50 persons, 22 of whom were killed outright and many others injured, some of whom died soon after. Among the victims were some of the principal persons in the territory: Daniel D. Page, superintendent of the company owning the *Gazelle*, whose wife and daughter were killed by the explosion of the *Jenny Lind* in San Francisco Bay April 11, 1853; Rev. James P. Miller, father of Mrs E. M. Wilson of The Dalles; David Woodhull, and Joseph Hunt of Michigan; Judge Burch, David Fuller, C. Woodworth, James White, Daniel Lowe, John Clemens, J. M. Fudge, Blanchet, Hill, Morgan, John Blaimer, John Daly, John K. Miller, Michael Hatch, Michael McGee, Charles Knaust, David McLane, Piaut, and an unknown Spanish youth. *Or. Statesman*, April 18, 1854; *Armstrong's Or.*, 14; *Brown's Salem Directory*, 1871, 35. Among the wounded were Mrs Miller, Charles Gardiner, son of the surveyor-general, Robert Pentland, Miss Pell, C. Dobbins, Robert Shortess, B. F. Newby, Captain Hereford of the *Gazelle*, John Boyd, mate, and James Partlow, pilot. The chief engineer, Tonie, who was charged with the responsibility of the accident, escaped and fled the territory. *Portland Oregonian*, Jan. 29, 1870. The *Oregon*, another of the company's boats, was sunk and lost the same season. The wreck of the *Gazelle* was run over the falls, after being sold to Murray, Hoyt, and Wells, who refitted her and named her the *Señorita*, after which she was employed to carry troops, horses, and army stores from Portland to Vancouver and the Cascades. In 1857 the machinery of this boat was put into the new steamer *Hassaloe*, while the *Señorita* was provided with a more powerful engine, and commanded by L. Hoyt, brother of Richard Hoyt. In 1854 the pioneer steamboat men of the upper Willamette, captains A. F. Hedges and Charles Bennett, sold their entire interests and retired from the river.

In 1855 a new class of steamboats was put upon the Willamette above the falls, stern-wheels being introduced, which soon displaced the side-wheel boats. This change was effected by Archibald Jamieson, A. S. Murray, Amory Holbrook, and John Torrence, who formed a company and built the *Enterprise*, a small stern-wheel boat commanded by Jamieson. This boat ran for 3 years on the Willamette, and was sold during the mining rush of 1858, taken over the falls and to Fraser River by Thomas Wright. She finished her career on the Chehalis River. Her first captain, Jameison, was one of a family of five steamboat men, who were doomed to death by a fatality sad and remarkable. Arthur Jamieson was in command of the steamer *Portland*, which was carried over the falls of the Willamette in March 1857; another brother died of a quick consumption from a cold contracted on the river; another by the explosion of the steamer *Yale* on the Fraser River; and finally Archibald and another brother by the blowing up of the *Cariboo* at Victoria.

Another company, consisting of captains Cochrane, Gibson, and Cassady,

navigation, too, was increasing, but not without its drawbacks and losses.[50] In the midst of all, the young and vigorous community grew daily stronger, and more able to bear the misfortunes incident to rapid progress.

In July 1854 there was a raid in Rogue River Valley by the Shastas; unattended, however, by seri-

formed in 1856, built the *James Clinton* and *Surprise*, two fine stern-wheel boats. In 1857 the *Elk* was built for the Yamhill River trade by Switzler, Moore, and Marshall; and in 1858 the first owners of the *Enterprise* built the *Onward*, the largest steamboat at that time on the upper river.

In 1860 another company was incorporated, under the name of People's Transportation Company, composed of A. A. McCully, S. T. Church, E. N. Cook, D. W. Burnside, and captains John Cochrane, George A. Pease, Joseph Kellogg, and E. W. Baughman, which controlled the Willamette River trade till 1871. This company built the *Dayton*, *Reliance*, *Echo*, *E. D. Baker*, *Iris*, *Albany*, *Shoo Fly*, *Fannie Patton*, and *Alice*, and owned the *Rival*, *Senator*, *Alert*, and *Active*. It ran its boats on the Columbia as well as the Willamette until 1863, when a compromise was made with the Oregon Steam Navigation Company, then in existence, to confine its trade to the Willamette River above Portland. In 1865 this company expended $100,000 in building a dam and basin above the falls, which enabled them to do away with a portage, by simply transferring passengers and freight from one boat to another through a warehouse at the lower end of the basin. The P. T. Co. sold out in 1871 to Ben Holladay, having made handsome fortunes in 11 years for all its principal members. In the next two years the canal and locks were built around the west side of the falls at Oregon City, but the P. T. Co. under Holladay's management refused to use them, and continued to reship at Oregon City. This led to the formation of the Willamette Locks and Transportation Company, composed of Joseph Teal, B. Goldsmith, Frank T. Dodge, and others, who commenced opposition in 1873, and pressed the P. T. Co. so hard that Holladay sold out to the Oregon Nav. Co., which thus was enabled to resume operations on the Willamette above Portland, with the boats purchased and others which were built, and became a powerful competitor for the trade. The Locks and Transportation Co. built the *Willamette Chief* expressly to outrun the boats of the P. T. Co., but found it ruinous work; and in 1876 a consolidation was effected, under the name of Willamette Transportation and Locks Company, capital $1,000,000. Its property consisted of the locks at Oregon City, the water front at Astoria belonging formerly to the O. S. N. Co., and the Farmers' warehouse at that place, and the steamboats *Willamette Chief*, *Gov. Grover*, *Beaver*, *Annie Stewart*, *Orient*, *Occident*, with the barges *Autocrat*, *Columbia*, and *Columbia's Chief*. This secured complete monopoly by doing away with competition on either river, except from independent lines. *Salem Will. Farmer*, Jan. 7, 1876; *Adams' Or.*, 37-8.

[50] The steam-tug *Fire-Fly* was lost by springing aleak on the bar in Feb. 1854. Thomas Hawks, captain, L. H. Swaney, Van Dyke, Wisenthral, and other persons unknown were drowned. At the close of the year the steamship *Southerner*, Capt. F. A. Sampson, was wrecked on the Washington coast. The steamer *America*, bound to Oregon and Washington ports, was burned in the harbor of Crescent City the following summer.

The steamships engaged in the carrying trade to Oregon from 1850 to 1855 were the *Carolina*, which I think made but one trip, the *Seagull*, *Panama*, *Oregon*, *Gold Hunter*, *Columbia*, *Quickstep*, *General Warren*, *Frémont*, *America*, *Peytonia*, *Southerner*, and *Republic*. Three of these had been wrecked, the *Seagull*, *General Warren*, and *Southerner*, in as many years. Others survived unexpectedly.

ous damage. The treaty Indians of Rogue River sickened in the reservation, and the agent permitted them to roam a little in search of health. Some of them being shot by white men, their chiefs demanded that the murderers be brought to justice, as had been promised them, but it was not done. Few of such cases ever came into the courts,[51] and it was as rare an occurrence for an Indian to be tried by process of law.[52]

So great had been their wrongs during the past five years, so unbearable the outrages of the white race, that desperation seized the savages of the Klamath, Scott, and Shasta valleys, who now took the war-path toward the country of the Modocs, to join with them in a general butchery of immigrants and settlers.

In the absence of a regular military force, that at Fort Jones, consisting of only seventy men, wholly insufficient to guard two hundred miles of immigrant road, the governor was requested to call into service volunteers, which was done. Governor Davis also wrote to General Wool for troops. Meanwhile a company was sent out under Jesse Walker, who kept the savages at bay, and on its return received the commendations of Governor Curry, Davis having in the mean time resigned.

This expedition was used by the dominant party for many years to browbeat the influential whigs of southern Oregon. The *Statesman* facetiously named it the "expedition to fight the emigrants;" and in plainer language denounced the quartermaster-general and others as thieves, because the expedition cost forty-five thousand dollars.[53]

[51] In Judge Deady's court the following year a white man was convicted of manslaughter of an Indian, and was sentenced to two years in the penitentiary. *Or. Statesman*, June 2, 1855.

[52] The slayers of Edward Wills and Kyle, and those chastised by Major Kearney in 1851, are the only Indians ever punished for crime by either civil or military authorities in southern Oregon. *U. S. H. Misc. Doc.* 47, 58, 35th cong. 2d sess.

[53] Grasshoppers had destroyed vegetation almost entirely in the southern valleys this year, which led to a great expense for forage.

Drew in his report seemed to apologize for the great cost, and pointed out that the prices were not so high as in 1853, and that many expenses then incurred had been avoided; but he could not prevent the turning into political capital of so large a claim against the government, though it was the merchants of Yreka and not of Jacksonville who overcharged, if overcharging there was.[54] The attacks made on the whigs of southern Oregon led to the accumulation of a mass of evidence as to prices, and to years of delay in the settlement of accounts. On the side of the democrats in this struggle was General Wool, then in command of the division of the Pacific, who wrote to Adjutant-general Thomas at New York that the governor of Oregon had mustered into service a company of volunteers, but that Captain Smith was of opinion that they were not needed, and that it was done on the representations of speculators who were expecting to be benefited by furnishing supplies.[55]

There was a massacre of immigrants near Fort Boisé in August, that caused much excitement on the Willamette. The party was known as Ward's train, being led by Alexander Ward of Kentucky, and consisting of twenty-one persons, most of whom were slain.[56] Not only was the outrage one that could not be overlooked, or adequately punished by civil or military courts, but it was cause for alarm such as was expressed in the report of Quartermaster Drew, that a general Indian war was about to be precipitated upon the country, an apprehension strengthened by reports from many sources.

In order to make plain all that followed the events recorded in this chapter, it is necessary to revert to

[54] The merchants and traders of Jacksonville, who were unable to furnish the necessary supplies, which were drawn from Yreka, testified as to prices. *U. S. H. Misc. Doc.* 47, 32–5, 35th cong. 2d sess.

[55] Message of President Pierce, with correspondence of General Wool, in *U. S. Sen. Ex. Doc.* 16, 33d cong. 2d sess.

[56] For particulars see *California Inter Pocula*, this series, passim.

statements contained in the correspondence of the war department. That which most concerned this particular period is contained in a document transmitted to the senate, at the request of that body, by President Pierce, at the second session of the thirty-third congress. In this document is a communication of General Wool to General Cooper at Washington City, in which is mentioned the correspondence of the former with Major Rains of the 4th infantry, in command of Fort Dalles, and of Major Alvord, U. S. paymaster at Vancouver, who had each written him on the subject of Indian relations. As the report of Rains has been mentioned in another place, it is not necessary to repeat it here. Colonel George Wright had contributed his opinion concerning the "outrages of the lawless whites" in northern California, and to strengthen the impression, had quoted from the report of Indian Agent Culver concerning the conduct of a party of miners on Illinois River, who had, as he averred, wantonly attacked an Indian encampment and brutally murdered two Indians and wounded others.[57] The facts were presented to Wool, and by Wool to headquarters at Washington. The general wrote, that to prevent as far as possible the recurrence of further outrages against the Indians, he had sent a detachment of about fifty men to reenforce Smith at Fort Lane; but that to keep the peace and protect the Indians against the white people, the force in California and Oregon must be increased. This letter was written in March 1854.

On the 31st of March, Wool again wrote General Scott, at New York, that the difficulty of preserving

[57] *U. S. Sen. Ex. Doc.* 16, 14–15, 33d cong. 2d sess. Lieut J. C. Bonnycastle, commanding Fort Jones, in relating the attack on some of the Shastas whom he was endeavoring to protect, and whom Captain Goodall was escorting to Scott's Valley to place in his hands, says: 'Most of the Indians having escaped into the adjacent chapparal, where they lay concealed, the whites began a search for them, during which an Indian from behind his bush fortunately shot and killed a white man named McKaney.' In the same report he gives the names of the men who had fired on the Indians, the list not including the name of McKaney. *U. S. Sen. Ex. Doc.* 16, p. 81, 33d cong. 2d sess.; *U. S. H. Ex. Doc.* 1, 446–66, vol. i. pt i., 33d cong. 2d sess.

peace, owing to the increase of immigration and the encroachments of the white people upon the Indians, which deprived them of their improvements, was continually increasing. There were, he said, less than a thousand men to guard California, Oregon, Washington, and Utah, and more were wanted. The request was referred by Scott to the secretary of war, and refused.

In May, Wool sent Inspector-general J. K. F. Mansfield to make a tour of the Pacific department, and see if the posts established there should be made permanent; but expressed the opinion that those in northern California could be dispensed with, notwithstanding that the commanders of forts Reading and Jones were every few weeks sending reports filled with accounts of collisions between the white population and the Indians.

At this point I observe certain anomalies. Congress had invited settlers to the Pacific coast for political reasons. These settlers had been promised protection from the savages. That protection had never to any practical extent been rendered; but gradually the usual race conflict had begun and strengthened until it assumed alarming proportions. The few officers of the military department of the government, sent here ostensibly to protect its citizens, had found it necessary to devote themselves to protecting the Indians. Over and over they asserted that the white men were alone to blame for the disturbances.

Writing to the head of the department at New York, General Wool said that the emigration to California and Oregon would soon render unnecessary a number of posts which had been established at a great expense, and that if it were left to his discretion, he should abolish forts Reading and Miller in California, and establish a temporary post in the Pit River country; also break up one or two posts in northern California and Oregon, which could only mean forts Jones and Lane, and establish another on Puget Sound,

and, if possible, one in the Boisé country; though his preference would be given to a company of dragoons to traverse the Snake River country in the summer and return to The Dalles in the winter.

Governor Curry, on learning that the expedition under Haller had accomplished nothing, and that the whole command numbered only sixty men, and thinking it too small to accomplish anything in the Snake River country should the Indians combine to make war on the immigration, on the 18th of September issued a proclamation calling for two companies of volunteers, of sixty men each, to serve for six months, unless sooner discharged, and to furnish their own horses, equipments, arms, and ammunition; the companies to choose their own officers, and report to Brigadier General Nesmith on the 25th, one company to rendezvous at Salem and the other at Oregon City.

Commissions were issued to George K. Sheil, assistant adjutant-general, John McCracken, assistant quartermaster-general, and Victor Trevitt, commissary and quartermaster. A request was despatched to Vancouver, to Bonneville, to ask from the United States arms, ammunition, and stores with which to supply the volunteer companies, which Bonneville refused, saying that in his opinion a winter campaign was neither necessary nor practicable. Nesmith being of like opinion, the governor withdrew his call for volunteers.

When the legislative assembly convened, the governor placed before them all the information he possessed on Indian affairs, whereupon a joint committee was appointed to consider the question. Lane had already been informed of the occurrences in the Boisé country, but a resolution was adopted instructing the governor to correspond with General Wool and Colonel Bonneville in relation to the means available for an expedition against the Shoshones. The total force then in the Pacific department was 1,200, dragoons, artillery, and infantry; of which nine compa-

nies of infantry, 335 strong, were stationed in Oregon and Washington, and others were under orders for the Pacific.

Governor Davis had written Wool of anticipated difficulties in the south; whereupon the latter instructed Captain Smith to reënforce his squadron with the detachment of horse lately under command of Colonel Wright, and with them to proceed to Klamath Lake to render such assistance as the immigration should require. About a month later he reported to General Thomas that he had called Smith's attention to the matter, and that he was informed that all necessary measures had been taken to prevent disturbances on the emigrant road.

In congress the passage of the army bill failed this year, though a section was smuggled into the appropriation bill adding two regiments of infantry and two of cavalry to the existing force, and authorizing the president, by the consent of the senate, to appoint one brigadier general. It was further provided that arms should be distributed to the militia of the territories, under regulations prescribed by the president, according to the act of 1808 arming the militia of the states. No special provision was made for the protection of the north-west coast, and Oregon was left to meet the impending conflict as best it might.

CHAPTER XIV.

GOVERNMENT AND GENERAL DEVELOPMENT.

1854–1855.

RESIGNATION OF GOVERNOR DAVIS—HIS SUCCESSOR, GEORGE LAW CURRY—LEGISLATIVE PROCEEDINGS—WASTE OF CONGRESSIONAL APPROPRIATIONS—STATE HOUSE—PENITENTIARY—RELOCATION OF THE CAPITAL AND UNIVERSITY—LEGISLATIVE AND CONGRESSIONAL ACTS RELATIVE THERETO—MORE COUNTIES MADE—FINANCES—TERRITORIAL CONVENTION—NEWSPAPERS—THE SLAVERY SENTIMENT—POLITICS OF THE PERIOD—WHIGS, DEMOCRATS, AND KNOW-NOTHINGS—A NEW PARTY—INDIAN AFFAIRS—TREATIES EAST OF THE CASCADE MOUNTAINS.

IN August 1854 Governor Davis resigned. There was no fault to be found with him, except that he was imported from the east. In resigning, he gave as a reason his domestic affairs. He was tendered a parting dinner at Salem, which was declined; and after a residence of eight months in the territory he returned to the states with a half-declared intention of making Oregon his home, but he died soon after reaching the east. Although a good man, and a democrat, he was advised to resign, that Curry might be appointed governor, which was done in November following.[1]

Curry was the favorite of that portion of the democratic party known as the Salem clique, and whose organ was the *Statesman*. He followed the *Statesman's* lead, and it defended him and his measures, which were really its own. He was a partisan more through necessity than choice, and in his intercourse with the people he was a liberal and courteous gentle-

[1] *Lane's Autobiography*, MS., 59; *Or. Statesman*, Dec. 12, 1854; *Amer. Almanac*, 1855–6. 1857–9.

man. Considering his long acquaintance with Oregon affairs, and his probity of character, he was perhaps as suitable a person for the position as could have been found in the party to which he belonged.[2] He possessed the advantage of being already, through his secretaryship, well acquainted with the duties of his office, in which he was both faithful and industrious. Such was the man who was chosen to be governor of Oregon during the remaining years of its minority, and the most trying period of its existence.

The legislature met as usual the first Monday in December,[3] with James K. Kelly president of the council, and L. F. Cartee, speaker of the lower house.

[2] George Law Curry, born in Philadelphia, July 2, 1820, was the son of George Curry, who served as captain of the Washington Blues in the engagement preceding the capture of Washington city in the war of 1812; and grandson of Christopher Curry, an emigrant from England who settled in Philadelphia, and lies in the Christ Church burial-ground of that city. He visited the republic of Colombia when a child, and returned to the family homestead near Harrisburg, Penn. His father dying at the age of 11, he went to Boston, where he was apprenticed to a jeweler, finding time for study and literary pursuits, of which he was fond. In 1838 he was elected and served two terms as president of the Mechanic Apprentices' Library, upon whose records may be found many of his addresses and poems. In 1843 he removed to St Louis, and there joined with Joseph M. Field and other theatrical and literary men in publishing the *Reveille*, emigrating to Oregon in 1846, after which time his history is a part of the history of the territory. His private life was without reproach, and his habits those of a man of letters. He lived to see Oregon pass safely through the trials of her probationary period to be a thriving state, and died July 28, 1878. *Biography of George L. Curry*, MS., 1-3; *Seattle Pacific Tribune*, July 31, 1878; *Portland Standard*, July 13, 1878; *S. F. Post*, July 30, 1878; *Ashland Tidings*, Aug. 9, 1878; *Salem Statesman*, Aug. 2, 1878; *Portland Oregonian*, July 29, 1878.

[3] The members elect of the council were: J. C. Peebles of Marion; J. K. Kelly, Clackamas and Wasco; Dr Cleveland of Jackson; L. W. Phelps of Linn; Dr Greer, Washington and Columbia; J. M. Fulkerson, Polk and Tillamook; John Richardson, Yamhill; A. L. Humphrey, Benton and Lane; Levi Scott, Umpqua. The lower house consisted of G. W. Coffinbury, of Clatsop; E. S. Tanner, David Logan, D. H. Belknap, Washington; A. J. Hembree, A. G. Henry, Yamhill; H. N. V. Holmes, Polk and Tillamook; I. F. M. Butler, Polk; R. B. Hinton, Wayman St Clair, Benton; L. F. Cartee, W. A. Starkweather, A. L. Lovejoy, Clackamas; C. P. Crandall, R. C. Geer, N. Ford, Marion; Luther Elkins, Delazon Smith, Hugh Brown, Linn; A. W. Patterson, Jacob Gillespie, Lane; James F. Gazley, Douglas; Patrick Dunn, Alexander McIntire, Jackson; O. Humason, Wasco; Robert J. Ladd, Umpqua; J. B. Condon, Columbia; J. H. Foster, Coos, elected but not present. Two other names, Dunn and Walker, appear in the proceedings and reports, but no clew is given to their residence. *Or. Jour. Council*, 1854-5; *Or. Statesman*, Dec. 12, 1854. The clerks of the council were B. Genois, J. Costello, and M. C. Edwards. Sergeant-at-arms, J. K. Delashmutt; doorkeeper, J. L. Gwinn. The clerks of the lower house were Victor Trevitt, James Elkins, S. M. Hammond. Sergeant-at-arms, G. L. Russell; doorkeeper, Blevins.

The session was begun and held in two rooms of the state house, which was so far finished as to be used for the meetings of the assembly. The principal business, after disposing of the Indian question, was concerning the public buildings and their location. The money for the state house was all expended, and the commissioners were in debt, while the building was still unfinished. The penitentiary fund was also nearly exhausted, while scarcely six cells of the prison were finished,[4] and the contractors were bringing the government in their debt. The university commissioners had accepted for a site five acres of land tendered by Joseph P. Friedley at Corvallis, and had let the contracts for building materials, but had so far only expended about three thousand dollars; while the commissioners appointed to select, protect, sell, and control the university lands had made selections amounting to 18,000 acres, or less than one township. Of this amount between 3,000 and 4,000 acres had been sold, for which over $9,000 had been realized. In this case there was no indebtedness. No action had yet been taken concerning the Oregon City claim, which was a part of the university land, but proceedings would soon be begun to test the validity of titles.[5] To meet the expense of litigation, an act was passed authorizing the employment of counsel, but with a proviso that in the event of congress releasing this claim to

[4] The territorial prisoners were placed in charge of the penitentiary commissioners about the beginning of 1854. There were at that time three convicts, six others being added during the year. It is shown by a memorial from the city of Portland that the territorial prisoners had been confined in the city prison, which they had set on fire and some escaped. The city claimed indemnity in $12,000, recovering $600. A temporary building was then erected by the commissioners for the confinement of those who could not be employed on the penitentiary building, some of whom were hired out to the highest bidder. It was difficult to obtain keepers on account of the low salary. It was raised at this session to $1,000 per annum, with $600 for each assistant. G. D. R. Boyd, the first keeper, received $716 for 7 months' service.

[5] A memorial had been addressed to congress by Anderson of the legislature of 1852–3, praying that the Oregon City claim might be released to McLoughlin, and a township of land granted that would not be subject to litigation. Whether it was forwarded is uncertain; but if so, it produced no effect.

McLoughlin, the money obtained from the sale of lots should be refunded out of the sale of the second township granted by congress for university purposes in the last amendment to the land law of Oregon.[6] Such was the condition of the several appropriations for the benefit of the territory, at the beginning of the session.

And now began bargaining. Further appropriations must be obtained for the public buildings. Corvallis desired the capital, and the future appropriations. At the same time the members from southern Oregon felt that their portion of the state was entitled to a share in the distribution of the public money. An act was passed relocating the seat of government at Corvallis, and removing the university to Jacksonville.[7] It was not even pretended that the money to be spent at Jacksonville would benefit those it was intended to educate, but only that it would benefit Jackson county.[8]

The act which gave Corvallis the capital ordained that "every session of the legislative assembly, either general or special," should be convened at that place, and appointed a new board of commissioners to erect suitable public buildings at the new seat of government.[9] Congress made a further appropriation of $27,000 for the state house, and $40,000 for the penitentiary, to be expended in such a manner as to insure completion without further aid from the United States.[10] Then it began to be understood that the relocation act, not having been submitted to congress as required by the organic act, was not operative, and

[6] This is an allusion to a memorial similar to Anderson's passed at the previous session.

[7] *Or. Laws*, in *Statesman*, Feb. 6 and 13, 1855.

[8] In the bargain between Avery and the Jackson county member, said the *Statesman*, the latter remarked that he 'did not expect it [the university] to remain there, but there would be about $12,000 they could expend before it could be removed, which would put up a building that would answer for a court-house.'

[9] B. R. Biddle, J. S. McItuney, and Fred. Waymire constituted the new board. *Or. Statesman*, Feb. 6, 1855.

[10] *Cong. Globe*, 1854–5, app. 330, 33d cong. 2d sess.

that the seat of government was not removed from Salem to Corvallis by that act, nor would it be until such times as congress should take action. Nor could the governor pay out any part of the appropriation under instructions from the legislature, except under contracts already existing. The executive office, moreover, should not be removed from Salem before congress should have approved the relocation act.[11] So said the comptroller; but the governor's office was already removed to Corvallis when the comptroller reached this decision. The *Statesman*, too, which did the public printing, had obeyed the legislative enactment, and moved its office to the new seat of government.[12]

When the legislature met in the following December, Grover introduced a bill to relocate the capital at Salem, which became a law on the 12th of December, 1855. But this action was modified by the passage of an act to submit the question to the people at the next election. Before this was done, and perhaps in order that it might be done, the almost completed state house, with the library and furniture, was destroyed by fire, on the night of the 30th of December, which was the work of an incendiary. The whigs charged it upon the democrats, and the democrats charged it upon "some one interested in having the capital at Corvallis."[13] However that may have been, it fixed the fate of Corvallis in this regard.[14] Further than this, it settled definitely the location question by exhausting the patience of the people.[15]

[11] *Or. Jour. Council*, 1855–6, app. 12.

[12] Corvallis had at this time a court-house, two taverns, two doctors, and several lawyers' offices, a school-house, the *Statesman* office, a steam saw-mill, and two churches. The methodist church was dedicated Dec. 16, 1855, G. Hines officiating. *Or. Statesman*, Oct. 13 and Dec. 8, 1855; *Speech of Grover*, in *Id.*, Dec. 18, 1855.

[13] *Deady's Hist. Or.*, MS., 26; *Grover's Pub. Life in Or.*, MS., 51–4; *Or. Statesman*, Jan. 29, 1856; *Id.*, July 29 and Sept. 30, 1856; *Or. Argus*, Jan. 5, 1856; *Or. Jour. House*, 1855–6, app. 165–70; *Armstrong's Or.*, 17.

[14] At the election in June 1856, the votes for the capital between the principal towns stood, Portland, 1,154; Salem, 2,049; Corvallis, 1,998; Eugene, 2,316.

[15] At the final election between these places the people refused to vote,

The legislature was reduced to the necessity of meeting in hired apartments for nearly twenty years before the state was able to erect a suitable structure.

The $40,000 appropriated to complete the penitentiary was expended on a building which should not have cost one third of the two appropriations, the state a dozen years later erecting another and better one at Salem.

To return to the legislative proceedings of 1854–5. Another partisan act of this body was the passage of a bill in which voting viva voce was substituted for voting by ballot—a blow aimed at anticipated success of the new party; and this while the *Statesman* made war on the anti-foreign and anti-catholic principles of the know-nothings, forgetting how zealously opposed to foreigners and catholics the first great democratic leader of Oregon, S. R. Thurston, had been. Specious reasons were presented in debate, for the adoption of the new rule, while the *Statesman* openly threatened to deprive of public patronage all who by the viva voce system were discovered to be opposed to democratic principles. In view of the coming election, the viva voce bill possessed much significance. It compelled every man to announce by voice, or by a ticket handed to the judge, his choice, which in either case was cried aloud. This surveillance was a severe ordeal for some who were not ready openly to part company with the democracy, and doubtless had the effect to deter many. As a coercive measure, it was cunningly conceived. Every whig in the house voted against it, and one third of the democrats, and in the council the majority was but two. This bill also possessed peculiar significance in view of the passage of another requiring the people to vote at the next election on the question of a

being, as the *Statesman* said, 'tired of the subject.' Avery, who was elected to the legislature in 1856, again endeavored to bring the subject before them, but the bill was defeated.

state constitutional convention, for which the ruling party, foreseeing that appropriations for the territory were about exhausted, was now ripe. The three measures here mentioned comprise all of the important work of the session.[16]

An effort was made in the election of 1854 to get some temperance men elected to the legislature, in order to secure a prohibitory liquor law; and for this purpose a third party, called the Maine-law party, had its candidates in the field. None were elected on this issue, but much opposition was aroused.[17]

[16] Multnomah county was created at this session out of portions of Washington and Clackamas, making it comprise a narrow strip lying on both sides of the Willamette, including Sauvé Island, and fronting on the Columbia River, with the county-seat at Portland. The first county court was organized Jan. 17, 1855; the board consisting of G. W. Vaughn, Ainslee R. Scott, and James Bybee. The bonds of Shubrick Norris, auditor, of William McMillen, sheriff, and A. D. Fitch, treasurer, were presented and approved. Rooms were rented in the building of Coleman Barrell, on the corner of First and Salmon streets, for a court-house. R. B. Wilson was appointed coroner at the second meeting of the board. The first board elected at the polls was composed of David Powell, Ellis Walker, and Samuel Farman, which met July 2, 1855. The first term of the district court was held April 16th, Olney presiding. The first grand jury drawn consisted of J. S. Dickinson, Clark Hay, Felix Hicklin, K. A. Peterson, Edward Allbright, Thomas H. Stallard, William L. Chittenden, George Hamilton, William Cree, Robert Thompson, William H. Frush, Samuel Farman, William Hall, William Sherlock, W. P. Burke, Jacob Kline, Jackson Powell, John Powell. The first cause entered on the docket was Thomas V. Smith vs William H. Morton, David Logan, and Mark Chinn.

An act of this legislature authorized the location of county seats by a majority of votes at the annual elections. The county seat of Umpqua was thus fixed at Elkton, on the land claim of James F. Levens. An act was passed for the support of indigent insane persons. There were a number of applications made to the legislature to have doubtful marriages legalized; but the judiciary committee, to whom they were referred, refused to entertain the petitions, on the ground that it was not their duty to shelter persons committing crimes against the laws and public sentiment. Notwithstanding, a special act was passed in the case of John Carey, who had a wife and children in the States, to make legitimate the children of a woman whom he had informally taken to wife while crossing the plains. *Or. Statesman*, April 3, 1855.

[17] Notwithstanding the antagonism exhibited at the opening of the session, the Maine-law bill being withdrawn, an act was passed of the nature of a local-option law, requiring retail dealers, or those who wished to sell by any quantity less than a quart, to obtain the signatures of a majority of the legal voters in their respective precincts to petitions praying that licenses should be granted them; if in a city, the signatures of a majority of the legal voters in the ward where it was designed to sell. Before proceeding to obtain the signatures, the applicant was required to post notices for ten days of his intention to apply for a license, in order to afford an opportunity for remonstrances to be signed. There were two many ways of evading a law of this nature to make it serve the purpose of prohibition, even in a temperance community;

The report of the territorial auditor showed that whereas at the beginning of the present fiscal year he had found $4.28 in the treasury, at its close, after balancing accounts, there were $68.94 on hand. The territory was in debt between $7,000 and $8,000; but the estimated revenue for the next year would be over $11,000, which would not only discharge the debt, but lessen the present rate of taxation. Encouraged by this report, the legislature made appropriations which amounted to nearly as much as the anticipated revenue, leaving the debt of the territory but little diminished, and the rate of taxation the same—a course for which, when another legislature had been elected, they received the reproaches of their own organs.[18]

There began in April 1855, with the meeting of the democratic territorial convention at Salem, a determined struggle to put down the rising influence of whig principles.[19] At the first ballot for delegate to congress, Lane received fifty-three out of fifty-nine votes, the six remaining being cast by Clackamas county for Pratt. A movement had been made in Linn county to put forward Delazon Smith, but it was prudently withdrawn on the temper of the majority becoming manifest. Lane county had also instructed its delegates to vote for Judge George H. Williams as its second choice. But the great personal popularity of Lane threw all others into the background.

On the 18th of April the whigs held a convention at Corvallis, for the purpose of nominating a delegate,

and for this very reason it was possible to pass it in a legislature unfriendly to prohibition.

[18] *Or. Jour. Council*, 1854–5, app. 21–7. The territorial officers elected by the assembly were Nat. H. Lane, treasurer; James A. Bennett, auditor; and Milton Shannon, librarian.

[19] Said the *Statesman* of April 17th: 'Defeat and disgrace to know-nothing whiggery and canting hypocrisy was a decree which went forth from that meeting... The handwriting is upon the wall, and it reads, "Jo Lane, a democratic legislature, democratic prosecutors, democratic everything."'

and made choice of Ex-governor Gaines, against four other aspirants. The majority being for Gaines on the first ballot, T. J. Dryer and A. G. Henry withdrew, leaving M. A. Chinn and A. Holbrook. Gaines then received sixty-three votes and Chinn three. The convention adopted as its platform, "General Gaines against the world," and the campaign opened.[20] A movement was put on foot by the religious portion of the community to form a temperance party, and to elect members to the legislature on that issue; and a meeting was held for that purpose April 16th, which was addressed by George L. Atkinson, H. K. Hines, and W. L. Adams, the last named a rising politician, who in the spring of 1855 established the *Oregon Argus*, and advocated among other reforms a prohibitory liquor law. As the paper was independent, it tended greatly to keep in check the overweening assumption of the *Statesman*, and was warmly welcomed by the new party.[21]

[20] As the reader has been so long familiar with the names of the democratic leaders, it will be proper here to mention those of the territorial whig committee. They were E. N. Cooke, James D. McCurdy, Alex. McIntyre, C. A. Reed, and T. J. Dryer. *Oregonian*, April 14, 1855.

[21] The *Oregon Argus* was printed on the press and with the materials of the old *Spectator*, which closed its career in March 1855. The editor and publisher, Mr Adams, possessed the qualifications necessary to conduct an independent journal, having self-esteem united with argumentative powers; moreover, he had a conscience. In politics, he leaned to the side of the whigs, and in religion was a campbellite. This church had a respectable membership in Oregon. Adams sometimes preached to its congregations, and was known pretty generally as Parson Billy. The mistakes he made in conducting his paper were those likely to grow out of these conditions. Being independent, it was open to everybody, and therefore liable to take in occasionally persons of doubtful veracity. Being honest, it sometimes betrayed a lack of worldly wisdom. The *Statesman* called it the 'Airgoose;' nevertheless, 'it greatly assisted in forming into a consistent and cohesive body the scattered materials that afterward composed the republican party.' The *Argus* continued to be published at Oregon City till May 1863, D. W. Craig being associated with Adams in its publication. Six months after its removal, having united with the *Republican* of Eugene City, the two journals passed into the hands of a company who had purchased the *Statesman*, the political status of the latter having undergone a change. *Salem Directory*, 1871, p. 81. Adams had in the mean time been appointed collector of customs at Astoria by Lincoln, in 1861, and held this position until he resigned it in 1866. In 1868 he travelled in South America, and finally went to New England, where he delivered a lecture on *Oregon and the Pacific Coast*, at Tremont Temple, Oct. 14, 1869, which was published in pamphlet form at Boston the same year. The pamphlet contains many interesting facts, presented in the incisive and yet often humorous style which characterized the author's writings as a jour-

The *Argus*, however, placed the name of Gaines at the head of its editorial columns as its candidate for delegate to congress. The Portland *Times*[22] was strongly democratic, and sustained the nomination of Lane. The Portland *Democratic Standard* labored of course for its proprietor, Pratt, till the almost unanimous nomination of Lane by the Salem convention took away its proper occupation, and it turned to general party uses.[23]

Lane arrived in Oregon early in April, and soon after the convention the campaign began, the whigs and know-nothings, or native Americans, uniting on Gaines and against the democracy.

The native Americans, it may be here said, were largely drawn from the missionary and anti-Hudson's Bay Company voters, who took the opportunity furnished by the rise of the new party to give utterance to their long-cherished antipathies toward the foreign element in the settlement of Oregon. Some of them were men who had made themselves odious to right-thinking people of all parties by their intemperate zeal against foreign-born colonists and the catholic religion, basing their arguments for know-nothing

nalist. He studied medicine while in the east, and practised it after returning to Oregon. In the *West Shore*, a monthly literary paper began at Portland in 1875 by L. Samuels, are *Rambling Notes of Olden Times* by Adams, in which are some striking pictures of the trials and pleasures of pioneer life, besides many other articles; but his principal work in life was done as editor of the paper he originated.

[22] Of the two papers started in 1850, the *Star* was removed to Portland in 1851, where it became the *Times*, edited first by Waterman, and subsequently by Hibben, followed by Russell D. Austin. It ran until 1858 in the interest of the democratic party. *West Shore*, Jan. 1876. Austin married Miss Mary A. Collins of Holyoke, Mass. *Oregon Argus*, Oct. 13, 1855.

[23] *Portland Oregonian*, April 15, 1876. Another paper that came into being in 1855 was the *Pacific Christian Advocate*. It was first called the *North Pacific Christian Herald*, and had for publishers A. F. Waller, Thos H. Pearne, P. G. Buchanan, J. R. Robb, and C. S. Kingsley, with Thos H. Pearne for manager. See *Or. Statesman*, June 16, 1855. It soon afterward changed its name to *Pacific Christian Advocate*, published by A. F. Waller, J. L. Parrish, J. D. Boon, C. S. Kingsley, and H. K. Hines, with Thos H. Pearne editor. The following year the methodist general conference, in session at Indianapolis, resolved to establish a book depository and publish a weekly paper in Oregon; and that the book agents at New York be advised to purchase the *Pacific Christian Advocate*, already started, at $3,500, and to employ an editor with a fixed salary. *Or. and its Institutions*, 107–8.

principles upon the alleged participation in the Whitman massacre of the catholic priesthood.[24]

Anything like cant entering into American politics has always proven a failure; and the democratic party were not too refined to give utterance to an honest disgust of the bigotry which attempted it in Oregon. The election resulted in the complete triumph of democracy, Lane's majority being twenty-one hundred and forty-nine.[25] There were but four whigs elected to the assembly, two in each house. A democratic prosecuting attorney was elected in each judicial district.[26] The party had indeed secured everything it aimed at, excepting the vote for a state constitution, and that measure promised to be soon secured, as the majority against it had lessened more than half since the last election.

In spite of and perhaps on account of the dominance of democratic influence in Oregon, there was a conviction growing in the minds of thinking people not governed by partisan feeling, which was in time to revolutionize politics, and bring confusion upon the men who lorded it so valiantly in these times. This was, that the struggle for the extension of slave territory which the southern states were making, aided and abetted by the national democratic party, would be renewed when the state constitution came to be formed, and that they must be ready to meet the emergency.

In view of the danger that by some political jugglery the door would be left open for the admission of slavery, a convention of free-soilers was called to meet at Albany on the 27th of June, 1855. Little more was done at this time than to pass resolutions

[24] *Or. Am. Evang. Unionist*, Aug. 2, 1848.

[25] Official, in *Or. Statesman*, June 30, 1855. The *Tribune Almanac* for 1856 gives Lane's majority as 2,235. The entire vote cast was 10,121. There were believed to be about 11,100 voters in the territory.

[26] George K. Sheil in the 1st district; Thomas S. Brandon in the 2d; R. E. Stratton in the 3d; and W. G. T'Vault in Jackson county, which was allowed to constitute a district.

expressing the sentiments and purposes of the members, and to appoint a committee to draft a platform for the anti-slavery party, to be reported to an adjourned meeting to be held at Corvallis on the 31st of October.[27] This was the beginning of a movement in which the *Argus* played an important part, and which resulted in the formation of the republican party of Oregon. It was the voice crying in the wilderness which prepared the way for the victory of free principles on the Northwest Coast, and secured to the original founders of the Oregon colony the entire absence of the shadow and blight of an institution which when they left their homes in the States the earliest immigrations determined to leave behind them forever. With regard, however, to the progress of the new party, before it had time to complete a formal organization, events had occurred in Oregon of so absorbing a nature as to divert the public mind from its contemplation.

I have already spoken of the round of visits which Indian Superintendent Palmer made in 1854, about which time he concluded some treaties—none of those made by Gaines ever having been ratified—with the Indians of the Willamette Valley.[28] It was not until October that he was able to go to the Indians of south-

[27] The committee were John Conner, B. F. Whitson, Thomas S. Kendall, Origen Thomson, and J. P. Tate. *Or. Argus*, July 7, 1855. The members of this first anti-slavery meeting of Oregon were Origen Thomson, H. H. Hicklin, T. S. Kendall, Jno. R. McClure, Wm T. Baxter, Wilson Blain, Jno. McCoy, Samuel Hyde, W. L. Coon, Wm Marks, W. C. Hicklin, H. F. McCully, David Irwin, John Smith, Isaac Pest, J. W. Stewart, G. W. Lambert, J. B. Forsyth, J. M. McCall, John Conner, Thos Cannon, B. F. Whitson, W. C. Johnson, Hezekiah Johnson, J. T. Craig, D. C. Hackley, S. R. McClelland, Robert A. Buck, Samuel Bell, J. P. Tate, U. H. Dunning. Alfred Wheeler, Samuel Colver, D. H. Bodinn, W. C. Garwood, D. Beach, Charles Ferry, J. F. Thompson, Milton B. Starr. *Or. Argus*, July 7, 1855.

[28] A treaty was made with the Tualatin band of Calapooyas for their land lying in Washington and Yamhill counties, for which they received $3,300 in goods, money, and farm tools; also provisions for one year, and annuities of goods for twenty years, besides a tract of 40 acres to each family, two of which were to be ploughed and fenced, and a cabin erected upon it. Teachers of farming, milling, blacksmithing, etc., were to be furnished with manual-labor schools for the children. The provisions of all of Palmer's treaties were similar.

ern Oregon with the assurance that congress had ratified the treaties made at the close of the war of 1853, with some amendments to which they consented somewhat unwillingly,[29] but were pacified on receiving their first instalment of goods. S. H. Culver was removed, and George H. Ambrose made agent on the Rogue River reservation.[30] By the 1st of February, 1855, all the lands between the Columbia River and the summit of the Calapooya Mountains, and between the Coast and Cascade ranges, had been purchased for the United States, the Indians agreeing to remove to such localities as should be selected for them, it being the intention to place them east of the Cascades. But the opposition made by all natives, to being forced upon the territory of other tribes, or to having other tribes brought into contact with them, on their own lands, influenced Palmer to select a reservation on the coast, extending from Cape Lookout on the north to a point half-way between the Siuslaw and Umpqua rivers, taking in the whole country west of the Coast Range, with all the rivers and bays, for a distance of ninety miles, upon which the Willamette and coast tribes were to be placed as soon as the means should be at hand to remove them.

No attempt to treat with the Oregon tribes east of the Cascade Mountains for their lands had ever been made, and except the efforts of the missionaries, and the provisional government, for which White may be considered as acting, nothing had been done to bring them into friendly relations with the citizens of the United States. The Cayuse war had left that tribe

[29] The amendment most objected to was one which allowed other tribes to be placed on their reservation, and which consolidated all the Rogue River tribes.

[30] Palmer appears to have been rather arbitrary, but being liked by the authorities, in choosing between him and an agent whom he disliked, they dismissed the agent without inquiry. Sub-agent Philip F. Thompson of Umpqua having died, E. P. Drew succeeded him. Nathan Olney superseded Parrish. There remained R. R. Thompson, W. W. Raymond, and William J. Martin, who resigned in the spring of 1855, and was succeeded by Robert B. Metcalfe. These frequent changes were due, according to Palmer, to insufficient salaries.

imbittered toward the American people. Governor Stevens of Washington Territoy, when exploring for the Pacific railroad, in 1853, had visited and conferred with the tribes north and east of the Columbia concerning the sale of their lands, all of whom professed a willingness to dispose of them, and to enter into treaty relations with the government.[31] Stevens had reported accordingly to congress, which appropriated money to defray the expense of these negotiations, and appointed Stevens and Palmer commissioners to make the treaties. But in the mean time a year and a half had elapsed, and the Indians had been given time to reconsider their hasty expressions of friendship, and to indulge in many melancholy forebodings of the consequences of parting with the sovereignty of the country. These regrets and apprehensions were heightened by a knowledge of the Indian war of 1853 in Rogue River Valley, the expedition against the Modocs and Piutes, and the expedition of Major Haller then in progress for the punishment of the murderers of the Ward company. They had also been informed by rumor that the Oregon superintendent designed to take a part of the country which they had agreed to surrender for a reservation for the diseased and degraded tribes of western Oregon, whose presence or neighborhood they as little desired as the white inhabitants. At least, that is what the Indians said of themselves.

Aware to some extent of this feeling, Stevens sent in January 1855 one of his most trusted aids, James Doty, among the Indians east of the mountains, to ascertain their views before opening negotiations for the purchase of their lands. To Doty the Indians made the same professions of friendship and willingness to sell their country which they had made to Stevens in 1853; and it was agreed to hold a general council of the Yakimas, Nez Percés, Cayuses, Walla

[31] *I. I. Stevens*, in *Ind. Aff. Rept*, 1854, 184, 248; *U. S. H. Ex. Doc.* 55, 2, 33d cong. 1st sess.

Wallas, and their allies, to be convened in the Walla Walla Valley in May. The place of meeting was chosen by Kamiakin, head chief of the Yakimas, because it was an ancient council-ground of his people, and everything seemed to promise a friendly conference.

A large amount of money was expended in Indian goods and agricultural implements, the customary presents to the head men on the conclusion of treaties. These were transported above The Dalles in keel boats,[32] and stored at Fort Walla Walla, then in charge of James Sinclair of the Hudson's Bay Company. A military escort for the commissioners was obtained at Fort Dalles, consisting of forty dragoons under Lieutenant Archibald Gracie,[33] the company being augmented to forty-seven by the addition of a detachment under a corporal in pursuit of some Indian murderers whom they had sought for a week without finding.

On the 20th of May the commissioners, who had hastened forward, arrived at Walla Walla, and proceeded to the council-grounds about five miles from Waiilatpu,[34] where the encampment was made before the escort arrived.[35] The Indians, with their accus-

[32] Stevens speaks of this as the opening of navigation above The Dalles. They were succeeded, he says, by sailing vessels of 60 tons freight, and soon by a steamer. *Pac. R. R. Rept*, xii. 196–7.

[33] Lieut Lawrence Kip, of the 3d artillery, who accompanied Gracie on this occasion as a guest and spectator, afterward published an account of the expedition and transactions of the commission, under title of *The Indian Council at Walla Walla*, San Francisco, 1855, a pleasantly told narrative, in which there is much correct information, and some unimportant errors concerning mission matters of which he had no personal knowledge. He gives pretty full reports of the speeches of the chiefs and commissioners. Lieut Kip also wrote a little book, *Army Life on the Pacific Coast, A Journal of the Expedition against the Northern Indians in the Summer of 1858*, New York, 1859, in which the author seeks to defend the army officers from aspersions cast upon them in the newspapers, and even in speeches on the floor of congress, as 'the drones of society, living on the government, yet a useless encumbrance and expense.'

[34] Kip speaks of visiting some gentlemen residing on the site of the old mission, who were 'raising stock to sell to emigrants crossing the plains, or settlers who will soon be locating themselves through these valleys.' *Indian Council*, 16.

[35] Kip also describes the council-ground as a beautiful spot, and tells us that an arbor had been erected for a dining-hall for the commissioners, with

tomed dilatoriness, did not begin to come in until the 24th, when Lawyer and Looking Glass of the Nez Percés arrived with their delegation, and encamped at no great distance from the commissioners, after having passed through the fantastic evolutions, in full war costume, sometimes practised on such occasions.[36] The Cayuses appeared in like manner two days later, and on the 28th the Yakimas, who, with others, made up an assemblage of between four and five thousand Indians of both sexes. An attempt was made on the day following to organize the council, but it was not until the 30th that business was begun.

Before the council opened it became evident that a majority of the Indians were not in favor of treating,[37] if indeed they were not positively hostile to the people represented by the commissioners; the Cayuses in particular regarding the troops with scowls of anger, which they made no attempt to conceal. Day after day, until the 11th of June, the slow and reluctant conference went on. The chiefs made speeches, with that mixture of business shrewdness and savage poetry which renders the Indian's eloquence so effective.[38]

a table of split logs, with the flat side up. The troops, too, were sheltered in arbors, and but for the showery weather the comfort of the occasion would have equalled its picturesqueness.

[36] See *Hist. Or.*, i. 130–1, this series.

[37] *Kip's Indian Council*, 21.

[38] The chief of the Cayuses thought it was wrong to sell the ground given them by the great spirit for their support. 'I wonder if the ground has anything to say? I wonder if the ground is listening to what is said...I hear what the ground says. The ground says, "It is the great spirit that placed me here. The great spirit tells me to take care of the Indians, to feed them aright. The great spirit appointed the roots to feed the Indians on." The water says the same thing. The great spirit directs me, "Feed the Indians well." The grass says the same thing, "Feed the horses and cattle." The ground, water, and grass say, "The great spirit has given us our names. We have these names and hold these names. Neither the Indians nor the whites have a right to change these names." The ground says, "The great spirit has placed me here to produce all that grows on me, trees and fruit." The same way the ground says, "It was from me man was made." The great spirit in placing men on the earth desired them to take good care of the ground, and do each other no harm. The great spirit said, "You Indians who take care of certain portions of the country should not trade it off except you get a fair price."' *Kip's Indian Council*, 22–6. In this argument was an attempt to enunciate a philosophy equal to the white man's. It ended, as all savage

The commissioners exhausted their store of logic in convincing their savage hearers that they needed the benefits of the culture which the white race could impart to them. Over and over again, the motives of the treaties and the treaties themselves were explained in the most painstaking manner. The fact was patent that the Indians meant to resist the invasion of their lands by the people of the United States. The Cayuses were against any sale. Owhi, chief of the Umatillas, and brother-in-law of Kamiakin, was opposed to it. Peupeumoxmox, usually so crafty and non-committal, in this matter was decided; Kamiakin would have nothing to do with it; Joseph and Looking Glass were unfriendly; and only Lawyer continued firm in keeping his word already pledged to Stevens.[39] But for him, and the numerical strength of the Nez Percés, equal to that of all the other tribes present, no treaty could have been concluded with any of the tribes. His adherence to his determination greatly incensed the Cayuses against him, and some of his own nation almost equally, especially Joseph, who refused to sign the treaty unless it secured to him the valley which he claimed as the home of himself and his people.[40] Looking Glass, war chief

arguments do, in showing the desire of gain, and the suspicion of being cheated.

[39] 'I think it is doubtful,' says Kip, 'if Lawyer could have held out but for his pride in his small sum of book lore, which inclined him to cling to his friendship with the whites. In making a speech, he was able to refer to the discovery of the continent by the Spaniards, and the story of Columbus making the egg stand on end. He related how the red men had receded before the white men in a manner that was hardly calculated to pour oil upon the troubled waters; yet as his father had agreed with Lewis and Clarke to live in peace with the whites, he was in favor of making a treaty!'

[40] Concerning the exact locality claimed by Joseph at this time as his home, there has been much argument and investigation. At the beginning of this history, Joseph was living near Lapwai, but it is said he was only there for the purpose of attending Spalding's school; that his father was a Cayuse, who had two wives, one a Nez Percé, the mother of Joseph, and the other a Cayuse, the mother of Five Crows; that Joseph was born on Snake River, near the mouth of the Grand Rond where his father lived, and that after the Lapwai mission was abandoned he went back to the mouth of the Grand Rond, where he died in 1871. These facts are gathered from a letter of Indian Agent Jno. B. Monteith to H. Clay Wood, and is contained in a pamphlet published by the latter, called *The Status of Young Joseph and his Band of Nez Percé Indians under the Treaties*, etc., written to settle the

of the Nez Percés, showed his opposition by not coming to the council until the 8th, and behaving rudely when he did come.[41] Up to almost the last day, Palmer, who had endeavored to obtain the consent of the Indians to one common reservation, finding them determined in their refusal, finally offered to reserve lands separately in their own country for those who objected to going upon the Nez Percé reservation, and on this proposition, harmony was apparently restored, all the chiefs except Kamiakin agreeing to it. The haughty Yakima would consent to nothing; but when appealed to by Stevens to make known his

question of Joseph's right to the Wallowa Valley in Oregon, his claim to which brought on the war of 1877 with that band of Nez Percés. Wood's pamphlet, which was written by the order of department commander Gen. O. O. Howard, furnishes much valuable information upon this rather obscure subject. Wood concludes from all the evidence that Joseph was chief of the upper or Salmon River branch of the Nez Percés, and that his claim to the Wallowa Valley as his especial home was not founded in facts as they existed at the time of the treaty of 1855, but that it was 'possessed in common by the Nez Percés as a summer resort to fish.' As the reservation took in both sides of the Snake River as far up as fifteen miles below the mouth of Powder River, and all the Salmon River country to the Bitter Root Mountains, and beyond the Clearwater as far as the southern branch of the Palouse, the western line beginning a little below the mouth of Alpowa Creek, it included all the lands ever claimed by the Nez Percés since the ratification of the treaty, much of which was little known to white men in 1855, and just which portion of it was reserved by Joseph is a matter of doubt, though Superintendent Palmer spoke of Joseph's band as 'the Salmon River band of the Nez Perces.' *Wood's Young Joseph and the Treaties*, 35.

Joseph had perhaps other reasons for objecting to Lawyer's advice. He claimed to be descended from a long line of chiefs, and to be superior in rank to Lawyer. The missionaries, because Joseph was a war chief, and because Lawyer exhibited greater aptitude in learning the arts of peace, endeavored to build up Lawyer's influence. When White tried his hand at managing Indians, he appointed over the Nez Percés a head chief, a practice which had been discontinued by the advice of the Hudson's Bay Company. On the death of Ellis, the head chief, whose superior acquirements had greatly strengthened his influence with the Nez Percés, it was Lawyer who aspired to the high chieftainship, on the ground of these same acquirements, and who had gained so much influence as to be named head chief when the commissioners interrogated the Nez Percés as to whom they should treat with for the nation. This was good ground for jealousy and discord, and a weighty reason why Joseph should not readily consent to the advice of Lawyer, even if there were no other.

[41] Cram says that Lawyer and Looking Glass had arranged it between them to cajole the commissioners; that the sudden appearance and opposition of the latter were planned to give effect to Lawyer's apparent fidelity; and at the same time by throwing obstacles in the way, to 'prevent a clutch upon their lands from being realized. In these respects events have shown that Lawyer was the ablest diplomatist at the council; for the friendship of his tribes has remained, and no hold upon their lands has yet inured to the whites.' *Top. Mem.*, 84.

wishes, only aroused from his sullen silence to ejaculate, "What have I to say?" This was the mood of the Indians on Saturday, the 9th; but on Monday, the 11th, every chief signed the treaties, including Kamiakin, who said it was for the sake of his people that he consented. Having done this, they all expressed satisfaction, even joy and thankfulness, at this termination of the conference.[42]

The Nez Percés agreed to take for their lands outside the reservation, which was ample, $200,000 in annuities, and were to be supplied besides with mills, schools, millers, teachers, mechanics, and every reasonable aid to their so-called improvement. The Cayuses, Walla Wallas, and Umatillas were united on one reservation in the beautiful Umatilla country, where claims were already beginning to be taken up.[43]

They were to receive the same benefits as the Nez Percés, and $150,000 in annuities, running through twenty years. The Yakimas agreed to take $200,000, and were granted two schools, three teachers, a number of mechanics, a farmer, a physician, millers, and mills.[44] By an express provision of the treaties, the country embraced in the cessions, and not included in the reservation, was open to settlement, except that the Indians were to remain in possession of their improvements until removed to the reservations, when they were to be paid for them whatever they were worth. When the treaties were published, particular attention was called to these provisions protecting the Indians in the enjoyment of their homes so long as they were not removed by authority to the reserves.

[42] *Kip's Army Life*, 92; *Stevens*, in *U. S. Sen. Ex. Doc.* 66, 24, 34th cong. 1st sess.

[43] One Whitney was living about a mile from the crossing of the Umatilla River with William McKay, on a claim he was cultivating, belonging to the latter. *Kip's Indian Council*, 29. This William McKay was grandson of Alexander McKay of Astor's company. He resided in eastern Oregon almost continually since taking this claim on the Umatilla.

[44] *Palmer's Wagon Trains*, MS., 51; *Or. Statesman*, June 30 and July 21, 1855; *Puget Sound Herald*, May 6, 1859; *Wood's Young Joseph and the Treaties*, 10–12; *Pendleton Tribune*, March 11, 1874; *S. F. Alta*, July 16, 1855; *Sac. Union*, July 10, 1855.

And attention was also called to the fact that the Indians were not required to move upon their reserves before the expiration of one year after the ratification of the treaties by congress; the intention being to give time for them to accustom themselves to the idea of the change of location.

As soon as these apparently amicable stipulations were concluded, the goods brought as presents distributed, and agents appointed for the different reservations,[45] the troops returned to The Dalles. That night the Indians held a great scalp-dance, in which 150 of the women took part. The following day they broke up their encampments and returned to their several habitations, the commissioners believing that the feelings of hostility with which several of the chiefs had come to the council had been assuaged. On the 16th Stevens proceeded north-eastward, toward the Blackfoot country, being directed by the government to make treaties with this warlike people and several other tribes in that quarter.

Palmer in the mean time returned toward The Dalles, treating with the John Day, Des Chutes, and Wascopan Indians, and purchasing all the lands lying between the summit of the Cascade Range and the waters of Powder River, and between the 44th parallel and the Columbia River, on terms similar to those of the treaties made at Walla Walla. A reservation was set apart for these tribes at the base of the Cascades, directly east of Mount Jefferson, in a well watered and delightful location,[46] including the Tyghe Valley and some warm springs from which the reserve has been named.

Having accomplished these important objects, the superintendent returned home well pleased with the results of his labor, and believing that he had secured the peace of the country in that portion of Oregon.

[45] R. R. Thompson was appointed to the Umatilla reservation, and W. H. Tappan for the Nez Percés.

[46] *Ind. Aff. Rept*, 1857, 370; *Letter of Palmer*, in *Or. Statesman*, July 21, 1855; *Puget Sound Herald*, May 6, 1859.

The Nez Percés afterward declared that during the council a scheme had been on foot, originating with the Cayuses, to massacre all the white persons present, including the troops, the plan only failing through the refusal of Lawyer's party to join in it, which statement may be taken for what it is worth. On the other hand, it has been asserted that the treaties were forced;[47] that they were rashly undertaken, and the Indians not listened to; that by calling a general council an opportunity was furnished for plotting; that there were too few troops and too little parade.[48] However this may be, war followed, the history of which belongs both to Oregon and Washington. But since the Indians involved in it were chiefly those attached to the soil and superintendency of the latter, I shall present the narrative in my volume on Washington.

[47] *Wood's Young Joseph and the Treaties.*
[48] *Tolmie's Hist. Puget Sound*, MS., 37; *Roberts' Recollections*, MS., 95.

CHAPTER XV.

FURTHER INDIAN WARS.

1855–1856.

INDIAN AFFAIRS IN SOUTHERN OREGON—THE ROGUE RIVER PEOPLE—EXTERMINATION ADVOCATED—MILITIA COMPANIES—SURPRISES AND SKIRMISHES—RESERVATION AND FRIENDLY INDIANS PROTECTED BY THE U. S. GOVERNMENT AGAINST MINERS AND SETTLERS—MORE FIGHTING—VOLUNTEERS AND REGULARS—BATTLE OF GRAVE CREEK—FORMATION OF THE NORTHERN AND SOUTHERN BATTALIONS—AFFAIR AT THE MEADOWS—RANGING BY THE VOLUNTEERS—THE BEN WRIGHT MASSACRE.

BEFORE midsummer, 1855, war was again brewing in southern Oregon, the Applegate Creek and Illinois Valley branches of the Rogue River nation being the immediate cause. On one pretence or another, the former spent much of their time off the reservation, and in June made a descent on a mining camp, killing several men and capturing considerable property; while the murder of a white man on Indian Creek was charged to the latter, of whom a party of volunteers went in pursuit.

On the 17th of June a company styling themselves the Independent Rangers, H. B. Hayes, captain, organized at Wait's mills in Jackson county, reporting to Colonel Ross for his recognition,[1] this being

[1] The original copy of the application is contained in the first volume of *Dowell's Oregon Indian Wars*, MS., 1–3. This is a valuable compilation of original documents and letters pertaining to the wars of 1855–6 in southern Oregon, and furnishes conclusive proof of the invidious course of the Salem clique toward that portion of the territory. Dowell has taken much pains to secure and preserve these fragments of history, and in doing so has vindicated his section, from which otherwise the blame of certain alleged illegal acts might never have been removed. Then there are his *Indian Wars;*

the first movement toward the reorganization of military companies since the treaties of September 1853.[1] Knowledge of these things coming to Ambrose, in charge of the reservation Indians, Smith of Fort Lane started off with a company of dragoons, and collecting most of the strolling Indians, hurried them upon the reservation. Those not brought in were pursued into the mountains by the volunteers, and one killed. The band then turned upon their pursuers, and wounding several horses, killed one man named Philpot. Skirmishing was continued for a week with further fatal results on both sides.[3]

A party of California volunteers under William Martin, in pursuit of hostile Indians, traced certain of them to the Rogue River reservation, and made a demand for their surrender, to which Commander Smith, of Fort Lane, very properly refused compliance. Let the proper authorities ask the surrender of Indians on a criminal charge, and they should be forthcoming, but they could not be delivered to a mere voluntary assemblage of men. Afterward a requisition was made from Siskiyou county, and in November two

Scrap-Book; Letters; Biographies, and various pamphlets which contain almost a complete journal of the events to which this chapter is devoted.

Benjamin Franklin Dowell emigrated from New Franklin, Mo., in 1850, taking the California road, but arriving in the Willamette Valley in Nov. He had studied law, but now taught a school in Polk county in the summer of 1851, and afterward in the Waldo hills. It was slow work for an ambitious man; so borrowing some money and buying a pack-train, he began trading to the mines in southern Oregon and northern California, following it successfully for four years. He purchased flour of J. W. Nesmith at his mills in Polk county at 10 cents per lb., and sold it in the mines at $1 and $1.25. He bought butter at 50 cents per lb., and sold it at $1.50; salt at 15 cents per lb., and sold it at $2 and $3 per lb., and other articles in proportion. When Scottsburg became the base of supplies, instead of the Willamette Valley, he traded between that place and the mines. When war broke out, Dowell was 'the first in and the last out' of the fight. After that he settled in Jacksonville, and engaged in the practice of law and newspaper management.

[2] *Or. Argus*, June 16, 1855; *Sac. Union*, June 12, 1855; *S. F. Chronicle*, June 15, 1855; *S. F. Alta*, June 18, 1855.

[3] A bottle of whiskey sold by a white man to an Indian on the 26th of July caused the deaths, besides several Indians, of John Pollock, William Hennessey, Peter Heinrich, Thomas Gray, John L. Fickas, Edward Parrish, F. D. Mattice, T. D. Mattice, Raymond, and Pedro. *Dowell's Or. Ind. Wars*, MS., 39; *Or. Argus*, Aug. 1855, 18; *S. F. Alta*, Aug. 13 and 31, 1855.

Indians were arrested for murder on the reservation, and delivered up.[4]

On the 26th of August, a Rogue River Indian shot and wounded James Buford, at the mouth of Rogue River in the Port Orford district, then in charge of Ben Wright, who arrested the savage and delivered him to the sheriff of Coos county. Having no place in which to secure his prisoner, the sheriff delivered him to a squad of soldiers to be taken to Port Orford; but while the canoe in which the Indian was seated with his guard was passing up the river to a place of encampment, it was followed by Buford, his partner, Hawkins, and O'Brien, a trader, who fired at and killed the prisoner and another Indian. The fire was returned by the soldiers, who killed two of the men, and mortally wounded the third.[5]

The excitement over this affair was very great. Threats by the miners of giving battle to the troops were loud and vindictive, but the more conservative prevailed, and no attack was made. The savages were aroused, and matters grew daily worse.[6]

Agent Ambrose wrote several letters which appeared in the *Statesman*, over the signature of 'A Miner,' in one of which, dated October 13th, he declared that no fears were to be entertained of an outbreak of the Rogue River Indians, affirming that they were peaceably disposed, and had been so

[4] These particulars are found in a letter written by William Martin to C. S. Drew, and is contained in Dowell's collection of original documents of the *Or. Ind. Wars*, MS., vol. ii., 32–9.

[5] *Letter of Arago*, in *Or. Statesman*, Sept. 22, 1855; *Sac. Union*, Sept. 12, 1855; *Coos Bay Mail*, in *Portland Standard*, Feb. 20, 1880; *Id.*, in *S. F. Bulletin*, Feb. 6, 1880.

[6] See *Nichols' Rogue River War*, MS., 14–15. On the 2d of September, Granville Keene, from Tenn., was killed on the reservation while assisting Fred. Alberding, J. Q. Taber, and a fourth man to reclaim some stolen horses. Two others were wounded and obliged to retreat. About the last of the month, Calvin Fields of Iowa, and John Cuningham of Sauvé Island, Oregon, were killed, and Harrison Oatman and Daniel Britton wounded, while crossing the Siskiyou Mountains with loaded wagons drawn by eighteen oxen, which were also killed. An express being sent to Fort Lane, Captain Smith ordered out a detachment of dragoons, but no arrests were made. Of the Indians killed in the mean time no mention is made.

throughout the summer. "God knows," he said, "I would not care how soon they were all dead, and I believe the country would be greatly benefited by it; but I am tired of this senseless railing against Captain Smith and the Indian agent for doing their duty, obeying the laws, and preserving our valley from the horrors of a war with a tribe of Indians who do not desire it, but wish for peace, and by their conduct have shown it."

To prevent the reservation Indians from being suspected and punished for the acts of others, Superintendent Palmer issued an order October 13th that the Indians with whom treaties had been made, and who had reservations set apart for them, should be arrested if found off the reservations without a permit from the agent. Every male over twelve years of age must answer daily to the roll-call. Early in October it became known that a party of wandering Indians were encamped near Thompson's Ferry, on Rogue River, and that among them were some suspected of annoying the settlers. A volunteer company of about thirty, under J. A. Lupton, proceeded at a very early hour of the morning of October 8th to the Indian camp at the mouth of Butte Creek, and opened fire, killing twenty-three and wounding many. The Indians returned it as well as they were able, and succeeded in killing Lupton, and in wounding eleven others.[7] When daylight came it was found by the mangled bodies that they were mostly old men, women, and children, whom these brave men had been butchering! The survivors took refuge at the fort, where they exhibited their wounds and made their lamentations to Captain Smith, who sent his troops to look at the battle-field and count the slain. It was a pitiful sight, and excited great indignation among the better class of white men.[8]

[7] Among them Shepard, Miller, Pelton, Hereford, Gates, and Williams. Letter of C. S. Drew, in *Dowell's Or. Ind. Wars*, MS., 29; *Nottarts*, in *Or. Statesman*, Oct. 27, 1855; *Nichols' Ind. Affairs*, MS., 20.

[8] *Cram's Top. Mem.*, 44; *Letter of Palmer to General Wool*, in *U. S. H.*

On the morning of the 9th of October the Indians appeared in the upper part of the Rogue River Valley in considerable numbers. They were first seen at Jewett's ferry, where during the night they killed two men in charge of a train and wounded another. After firing upon Jewett's house, they proceeded to Evans' ferry about daybreak, where they mortally wounded Isaac Shelton of the Willamette Valley on his way to Yreka. Pursuing their way down the valley to the house of J. K. Jones, they killed him, wounded his wife so that she died next day, and burned the house after pillaging it. From there they went to Wagoner's place, killing four men upon the way. Wagoner had a short time before left home to escort Miss Pellet, a temperance lecturer from Buffalo, New York,[9] to Sailor Diggings, where she was to lecture that evening. Mrs Wagoner was alone with her child four years of age, and both were burned in the house. They next proceeded to the house of George W. Harris, who seeing their approach, and judging that they meant mischief, ran into the house, seized his gun, and fired two shots, killing one and wounding another, when he received a fatal shot. His wife and little daughter defended themselves with great heroism for twenty-four hours, when they were rescued by Major Fitzgerald. And there were many other heroic women, whose brave deeds during these savage wars of southern Oregon must forever remain unrecorded.[10]

As soon as the news reached Jacksonville that the Rogue River settlements were attacked, a company of some twenty men hastened to take the trail of the Indians down the river. An express was despatched

Ex. Doc. 93, 112, 34th cong. 1st sess.; *Sober Sense*, in *Or. Statesman*, Oct. 27, 1855; *Letter of Wool*, in *U. S. Sen. Ex. Doc.* 66, 59; 34th cong. 1st sess.

[9] *Or. Argus*, Sept. 29, 1855.

[10] See *California Inter Pocula*, this series, passim. 'It was stated that Mrs Harris, when relieved, was so marked with powder and blood as to be hardly recognizable.' *Or. Statesman*, March 3, 1856. Mrs Harris afterward married Aaron Chambers, who came to Oregon in 1852, was much respected, and died in 1869. *Jacksonville Or. Sentinel*, Sept. 18, 1869.

to Fort Lane, to Captain Smith, who sent a detachment of fifty-five mounted men, under Major Fitzgerald, in pursuit of the savages.[11]

The volunteer and regular forces soon combined to follow, and if possible to have battle with the Indians. Passing the bodies of the slain all along their route, they came to Wagoner's place, where thirty of the savages were still engaged in plundering the premises. On the appearance of the volunteers, the Indians, yelling and dancing, invited them to fight,[12] but when the dragoons came in sight they fled precipitately to the mountains. After pursuing for about two miles, the troops, whose horses were jaded from a night march of twenty-five miles, being unable to overtake them, returned to the road, which they patrolled for some hours, marching as far as Grave Creek, after which they retired to Fort Lane, having found no Indians in that direction.[13] The volunteers also returned home to effect more complete organization before undertaking such arduous warfare against an implacable foe who they now were assured was before them. There were other parts of the country which likewise required their attention.

About the 10th of October, Lieutenant Kautz left Port Orford with a small party of citizens and soldiers to examine a proposed route from that place to Jacksonville. On arriving at the big bend of Rogue River, about thirty miles east from Port Orford, he found a party of settlers much alarmed at a threatened

[11] At that very moment an express was on its way from Vancouver to Fort Lane, calling for Major Fitzgerald to reënforce Major Haller in the Yakima country *Or. Statesman*, Oct. 20, 1855. Peupeumoxmox was threatening the Walla Walla Valley, and the Indians on Puget Sound preparing for the blow which they were to strike at the white settlements two weeks later, a coincidence of events significant of combination among the Indians. *Dowell's Letters*, MS., 35; *Grover's Pub. Life*, MS., 74; *Autobiog. of H. C. Huston*, in *Brown's Or. Misc.*, MS., 48; *Dowell's Or. Ind. War*, MS., 33-9; *Or. Argus*, Oct. 27; *Evans' Fourth of July Address*, in *New Tacoma Ledger*, July 9, 1880.

[12] *Hayes' Ind. Scraps*, v. 145; *Yreka Union*, Oct. 1855.

[13] Three men were killed on Grave Creek, 12 miles below the road, on the night of the 9th. *J. W. Drew*, in *Or. Statesman*, Oct. 20, 1855.

attack from Applegate Creek. Kautz returned to the fort for a better supply of arms and ammunition, intending to resist the advance of the hostile party, should he fall in with it. A few days after resuming his march he was attacked by a portion of the band, losing five of his men, two soldiers and three citizens. The Indians were only prevented from securing a considerable amount of ammunition by the precaution of Kautz in unloading the pack-mules at the beginning of the battle. He was able to secure an orderly retreat with the remainder of his party.[14] The only Indians in the whole country, from Yreka to the Umpqua cañon, who could be regarded other than enemies were those under Rogue River Sam, who since the treaty of 1853 had kept faith with the white people; the Shastas, the natives of Scott Valley, and many of the people about Grave and Cow creeks, and the Umpquas being concerned in the war, in which the Shastas were principals, under the leadership of Chief John. The Klamaths were also hostile.[15]

To meet a savage enemy, well armed and prepared for war, knowing every mountain fastness, and having always the advantage of chosen positions, was not practicable with anything like equal numbers. Estimating the fighting men of the enemy at no more than 400, it would require three or four times that number to engage them, because of their ability to appear unexpectedly at several points; at the same time to disappear as rapidly; and to wear out the horses and men of the white forces in following them. The armed men that were mustered in Rogue River Valley between the 9th and 11th of October amounted to only about 150, not from any want of courage, but from want of arms.[16] No attempt at permanent organiza-

[14] *Henry's Rogue River War Speech*, 14.

[15] Letter of Ambrose to Palmer, in *U. S. H. Ex. Doc.* 93, 62–65, 34th cong. 1st sess.

[16] Says Ambrose: 'As in the war of 1853, the Indians have all the guns in the country. Those Indians have each a good rifle and revolver, and are skilful in the use of them.'

tion was made by the territorial militia before the 12th, the armed companies being governed by the apparent necessities of the case.[17]

On the 12th of October Colonel Ross began the organization of a volunteer force under the laws of the territory[18] by ordering James H. Russel, major of the 9th regiment, to report to him immediately. Some of the captains of the militia were already in the field; other companies were headed by any one who had the spirit of a leader. These on application of the citizens of their neighborhoods were duly commissioned.[19]

[17] A company under Rinearson was divided into detachments, and sent, on the evening of the 10th, ten to the mouth of the Umpqua cañon, five three miles south to Leving's house, five to Turner's seven miles farther south, six to the Grave Creek house. On the next day thirty men made a scout down Grave Creek, and down Rogue River to the mouth of Galice Creek, the settlers placing at their disposal whatever supplies of blankets, provisions, or arms they were able to furnish; yet twelve of Rinearson's company had no other weapons than pistols. *A. G. Henry*, in *Or. Statesman*, Oct. 20, 1855. The troops in southern Oregon at this time were two full companies of dragoons at Fort Lane under Smith and Fitzgerald, and sixty-four infantry at Winchester, in the Umpqua Valley, under Lieut Gibson, who had been escorting Williamson on his survey of a railroad route from the Sacramento to the Willamette Valley, and who now retraced his steps to Fort Lane. The small garrison at Fort Orford was not available, and Fitzgerald's company was during the month ordered to reënforce Major Rains at The Dalles; hence one company of dragoons and one of infantry constituted the regular force which could be employed in the defence of the south country during the coming winter.

[18] The original orders are to be found in *Dowell's Or. Ind. Wars*, MS., vol. i. 45, 47, 53.

[19] M. C. Barkwell wrote Ambrose that at his request R. L. Williams would raise a company for the protection of that locality. The settlers about Althouse, on Illinois River, petitioned to have Theoron Crook empowered to raise a company to range the mountains thereabout; signed by Hiram Rice, J. J. Rote, Frederick Rhoda, Lucius D. Hart, S. Matthews, Charles F. Wilson, Elias Winkleback, S. P. Duggan, John Morrow, Allen Knapp, W. H. B. Douglas, Wm Lane, J. T. Mann, Geo. H. Grayson, R. T. Brickley, J. H. Huston, L. Coffey, H. Kaston, John Murphy, B. B. Brockway, A. L. Scott, Geo. W. Comegys, James C. Castleman, D. D. Drake, John R. Hale, E. R. Crane, Alden Whitney, Joshua Harlan, S. H. Harper, M. P. Howard, R. S. A. Colwell, George Lake, Thomas Lake, George Koblence, Jacob Randbush, Peter Colean, U. S. Barr, William Lance, Robert Rose, N. D. Palmer, James Hole, E. D. Cohen, Sigmund Heilner, Wm Chapman, John E. Post, John W. Merideth, A. More, Thos Ford, and Gilharts. *Dowell's Or. Ind. Wars*, MS., vol. i. 33-5.

The white men of Phœnix mills, Illinois Valley, of Deer Creek, and Galice Creek also petitioned for permission to raise companies for defence, and the outlying settlements prayed for armed guards to be sent them. The petition from Phœnix mills was signed by S. M. Waite, S. Colver, Joseph Tracy, Jarius F. Kennedy, M. M. Williams, and J. T. Gray; that from Illinois Valley and Deer Creek by John D. Post, William Chapman, G. E. Briggs, J. N.

Where the people in remote or isolated situations asked for armed guards, a few men were despatched to those localities as soon as they could be armed.[20] Two young women, Miss Hudson and Miss Wilson, having been murdered[21] while travelling on the Crescent City road, October 10th, A. S. Welton was assigned the duty of keeping open a portion of that highway, over which was carried most of the goods which entered the Illinois and Rogue River valleys at this time; guards being also afforded to pack-trains on the various routes to prevent their capture by the Indians. Considering the obstacles to be overcome, and the nature of the service, the organization of the 9th regiment was remarkably expeditious and complete, and its operations were well conducted.

The first engagement between the volunteers and Indians was on Rogue River, where W. B. Lewis of company E was encamped on Skull bar, a short distance below the mouth of Galice Creek. Scouts reported the enemy near, and evidently preparing an attack. In camp were all the miners from the diggings in the vicinity, including nine Chinamen, who had been robbed and driven from their claims, and several Indian women and boys who had been captured.

The bar is on the south side of the river, with a high mountain in the background, covered with a dense growth of hazel and young firs. Around the camp for some distance the thickets were cut away, so as to afford no harbor for lurking savages, and a

Knight, A. J. Henderson, William B. Hay, L. Reeves, Joseph Kirby, R. T. Olds, Samuel White, William E. Randolph, Frederick Rhoda, L. D. Hart, Alexander McBride, C. C. Luther, S. Scott, O. E. Riley, J. T. L. Mills, and Coltinell. On the 26th a company was organized in Illinois Valley. Orrin T. Root was chosen captain, and sent to Jacksonville for his commission. In this way most of the companies were formed.

[20] On the 5th of Nov. Ross ordered Gardner with 10 men to protect Thompson's place on Applegate Creek. F. R. Hill was ordered to raise a company for Grave Creek, etc.

[21] *Evans' Protection to Immigrants*, 59. This is a compilation of documents on the subject of the protection afforded by Walker's company in 1854, with statistics of Indian outrages. The same matter is in *U. S. Sen. Ex. Doc.* 46, 35th cong. 2d sess.

breast-work of logs thrown up on the side most exposed to attack.

On the 17th of October the bushes were found to be alive with savages. J. W. Pickett made a charge with six men, who were so warmly received that they were glad to retreat, Pickett being killed. Lieutenant Moore then took a position under a bank, on the side attack was expected, which he held four hours, exposed to a heavy fire; he and nearly half of his men were wounded, when they were compelled to retreat. One of the men, being mortally shot, fell before reaching the shelter of the camp, and a comrade, Allan Evans, in the effort to bring him in, was severely wounded. Captain Lewis was three times struck.

The Indians, discovering that the weak point of the volunteer force was on the left, made a bold attack, in which they lost one of their most noted Shasta warriors. Finding they could not dislodge the volunteers with balls, they shot lighted arrows into their camp. All day the firing was kept up, and during the battle every house in the mining town of Galice Creek was burned except the one occupied as the company's headquarters. By night one third of the company of thirty-five were killed and wounded.[22] Thereupon the enemy retired, their loss not ascertained.

"I am proud to say," wrote Lewis to his colonel, "that we fought the hardest battle ever fought this side of the Rocky Mountains. More than 2,500 shots from the enemy, but every man stood his ground, and fought the battle of a lover of his country."

On the day of the battle Ross wrote Smith, at Fort Lane, that Chief John of Scott Valley had gone up Applegate Creek with eighty warriors; and that Williams was in that vicinity with a limited

[22] Killed, J. W. Pickett; Samuel Saunders; mortally wounded, Benjamin Taft, Israel D. Adams; severely wounded, Lieut Wm A. J. Moore, Allan Evans, Milton Blackledge, Joseph Umpqua, John Ericson, and Captain W. B. Lewis. Report of Capt Lewis, in *Dowell's Or. Ind. War.*, MS., ii. 18.

force;[23] also that J. B. Wagoner[24] and John Hillman had on the 19th been despatched to Galice Creek.

It was all of no use. Let them kill and steal and burn never so bravely, the fate of the savages was fixed beforehand; and that not by volunteers, white or black, but by almighty providence, ages before their appearing, just as we of the present dominant race must fade before a stronger, whenever such a one is sent.

The red men continued their ravages, and the white men theirs, sending their bands of volunteers and regulars hither and thither all over the country in constantly increasing numbers; and to the credit of government officers and agents, be it said that while the miners and settlers were seeking the shortest road to end the difficulties, they interposed their strength and influence to protect innocent red men while defending the white.

Meantime, those who had in charge the duties of providing subsistence and transportation for the volunteers were not without serious cares. Assistant quartermasters and commissaries were appointed in different sections, but owing to their inexperience or inability, the service was very unsatisfactory. Fifteen companies[25] were in the field by the 20th of October, but the Indians kept them all employed.

[23] *Dowell's Or. Ind. Wars*, MS., i. 57.

[24] J. B. Wagoner was employed as express rider from Oct. 13th, five days after the murder of his wife and child, as long as first volunteer service lasted—a service full of danger and hardship. See instructions in *Dowell's Or. Ind. Wars*, MS., i. 63.

[25] Report of Capt. Rinearson, in *Dowell's Or. Ind. War*, MS., i. 77. I can name 12 of them. Co. A, T. S. Harris capt.; Co. B, James Bruce capt.; Co. C, J. S. Rinearson capt., lieuts W. P. Wing, I. N. Bently, R. W. Henry; Co. D, R. L. Williams capt., E. B. Stone 1st lieut, sergeant E. K. Elliott; Co. E, W. B. Lewis, capt., lieuts W. A. J. Moore, White; sergt I. D. Adams; Co. F, A. S. Welton capt.; Co. G, Miles T. Alcorn capt., lieut J. M. Osborne; Co. H, W. A. Wilkinson capt.; Co. I, T. Smith capt.; Co. K, S. A. Frye capt.; Co. L, Abel George capt.; Co. M, F. R. Hill capt. The names of T. J. Gardner, Orrin Root, M. M. Williams, Hayes, and M. P. Howard appear in the official correspondence as captains; Daniel Richardson, Morrison, and H. P. Conroy as lieutenants; and W. M. Evans as orderly sergeant. C. S. Drew was appointed adjutant; C. Westfeldt quartermaster and commissary; and C. B. Brooks surgeon.

Not a pack-train could move from point to point without a guard; not a settlement but was threatened. The stock of the farmers was being slaughtered nightly in some part of the valley; private dwellings were fortified, and no one could pass along the roads except at the peril of life. I might fill a volume with the movements of the white men during this war; the red men left no record of theirs.

Gardiner Cy.
Umpqua Cy.
LIGHT HO.
Providence
Middleton
Scottsburg
Fort Umpqua
Elkton
Pleasant Pt.
Locust Grove
Coos Bay
C. Arago
EMPIRE CITY
Coal Mines
Portage
Randolph
Coos R.
Mt. Arrington
North Fk.
Winchester
Wilbur
Laurel P.O.
Mt. Scott
ROSEBURG
Round Prairie
Coquille R.
Myrtleville
Ganyonville
CANON MTS.
Gates R.
C. Blanco
Elk R.
Tichenor R.
Port Orford
Humbug Pk.
Pilot Knob
Gatesburg
Logood
Niday
Wagner
Jewell Ferry
Ambrose
Westgales
Fapua Cr.
Whitehead
Rogue
ELLENSBURG
JACKSONVILLE
Phoenix
Applegate
Eagle
Humbug
KERBYVILLES
Althouse
Waldo
Chetcoe
MACK'S ARCH.
Steeple Rock
Poles
Sota Sp.
Coast Fk.
Deer Cr.
Cow Cr.
Sucker Cr.
Cottonwood Cr.
Table Rock
Big Butte Cr.
Antelope Cr.
Stewart Cr.
Applegate Cr.
Illinois R.
Smith R.
Hunter's Cr.
Elk Cr.
Sixes R.
Pistol R.
Chetco R.
Coquille R.
Umpqua R.
Calapooya Cr.
Oakland
Deer Cr.
Butte Cr.
Gilmore Cr.
Myrtle Cr.
Fort Cr.
Cow Cr.
Lower Table Rock
Big Butte Cr.
Sixes R.
Elk R.
Tichenor R.
Pistol R.
Chetco R.
Coquille R.
Umpqua R.
Rogue R.
Illinois R.
Smith R.
Applegate Cr.
Stewart Cr.
Antelope Cr.
Big Butte Cr.
Table Rock
Lower Table Rock
Steeple Rock
Poles
Sota Sp.
Cottonwood Cr.
Sucker Cr.
Deer Cr.
Cow Cr.
Fapua Cr.
Whitehead
Elk R.
Humbug Pk.
Tichenor R.
Port Orford
Pilot Knob
Niday
Wagner
Jewell Ferry
Ambrose
Westgales
T. Lane
Phoenix
Applegate
Eagle
Humbug
Althouse
Waldo
Chetcoe
MACK'S ARCH.
ELLENSBURG
JACKSONVILLE
KERBYVILLES
Gatesburg
Logood
Pannott Ferry
Myrtleville
Ganyonville
CANON MTS.
Winchester
Wilbur
Laurel P.O.
Calapooya
Oakland
Round Prairie
ROSEBURG
Mt. Scott
Mt. Arrington
North Fk.
Coos R.
Coos Bay
C. Arago
EMPIRE CITY
Coal Mines
Portage
Randolph
Coquille R.
Middleton
Scottsburg
Fort Umpqua
Elkton
Pleasant Pt.
Locust Grove
Providence
Gardiner Cy.
Umpqua Cy.
LIGHT HO.
Clear
Ten Mile Cr.
Salmon Cr.
Coast Fk.
Deer Cr.
Cow Cr.
Sucker Cr.
Cottonwood Cr.
Steeple Rock
Poles
Sota Sp.
Table Rock
Lower Table Rock
Big Butte Cr.
Antelope Cr.
Stewart Cr.
Applegate Cr.
Illinois R.
Smith R.
Hunter's Cr.
Elk Cr.
Sixes R.
Pistol R.
Chetco R.
Coquille R.
Umpqua R.
Rogue R.
Tichenor R.
Port Orford
Humbug Pk.
Pilot Knob
Fapua Cr.
Whitehead
Elk R.

Bruce and Harris of the volunteers, had returned exhausted from a long and fruitless pursuit, and when Ross expressed the opinion that the main body of the enemy was still in the vicinity of The Meadows, and below Galice Creek on Rogue River, the Indians suddenly appeared October 23d in the Cow Creek valley, and began their depredations. Their first act of hostility in this quarter was to fire upon a party of wagoners and hog-drovers at the crossing of Cow Creek, instantly killing H. Bailey of Lane county, and wounding Z. Bailey and three others. The remaining men retreated as rapidly as possible, pursued by the savages, who followed and harassed them for two or three hours. The same day they attacked the settlements on Cow Creek, burning the houses of Turner, Bray, Redfield, Fortune, and others.

On the 28th of October Fitzgerald being in the vicinity of Grave Creek discovered Indians encamped a few miles south of Cow Creek in the Grave Creek hills,[26] and determined to attack them. Ross, on receiving a despatch from Fitzgerald, set out on the 29th for the rendezvous, having sent to captains Harris, Welton, George, Williams, and Lewis. Bruce and Rinearson, who had but just come in, were directed to join the combined forces at Grave Creek, where were concentrated on the 30th about 250 volunteers[27] and 105 regulars, only a portion of Fitzgerald's troop being available on account of the illness of its commander. Two companies of a battalion called out by Governor Curry were lying at a place about a day's march south of Umpqua cañon, under the command of captains Joseph Bailey and Samuel Gordon.

When Ross reached the rendezvous late at night, he found the captain of the 1st dragoons awaiting him, impatient for an attack.[28] Spies from his own

[26] This band had attacked Kautz and his surveying party a few days previous, killing two soldiers and three settlers.

[27] Letter of L. C. Hawley in *Or. Statesman*, Nov. 24, 1855. Another gives the number at 387. *Dowell's Or. Ind. Wars.*

[28] Letter of John E. Ross to C. S. Drew in *Dowell's Or. Ind. Wars*, MS., i. 93.

and Captain Bruce's company had reconnoitred the enemy's position, which was found to be on a hill, well fortified, and extremely difficult of approach. A map of the country was prepared, and a forced march determined upon. Orders were issued to be ready to march at eleven o'clock, though it was already half-past ten. The plan of attack was to plant howitzers upon an eminence three fourths of a mile from that on which the Indians were encamped, and after having divided the companies into three columns, so stationed as to prevent the escape of the Indians, to open upon the enemy with shell and grape-shot. It was hoped by this night march, which was continued till morning with occasional halts, to surprise the enemy, but some one having set fire to a tree, that idea was abandoned. On arriving at the edge of a ravine in front of their position, instead of planting the howitzers and shelling the Indians as was intended, a charge was made, in which Rinearson and Welton led with their companies, augmented by portions of several others, and a part of the regulars rushing in disorder down into the ravine, through the thick bushes, and up the ascent on the other side, volunteers and regulars all eager for the first shot. The Indians occupied a mountain, bald on the side by which the troops were approaching, and covered with heavy forest on the opposite or north side. Ross had directed Bailey and Gordon to flank on the north, that when the men in front should drive the Indians to this cover, they might be met by them and engaged until the main force could come up. The attempt was made, but they found it impossible to pierce the tangled undergrowth which covered the steep acclivity, with the Indians fortified above them,[29] and after having had several men wounded, returned to the point of attack. Bruce and Harris lay concealed a few hundred yards to the south of the attacking party, to be in readiness to in-

[29] Lieut Withers says the Indians had cut down trees to form an obstruction to any attack on that side. *U. S. Sen. Ex. Doc.*, 26, 34th cong. 1st sess.

tercept the enemy in that quarter; but finding that no enemy came their way, they too joined the army in front. In the mean time the Indians had retreated, as was anticipated, to the cover of the woods, and could not be approached without great peril from the open ground. The day wore on with vain endeavors to get at them; and at 3 P. M. Smith made a charge with a small force of dragoons, who after firing several rounds with musketoons, utterly useless against the rifles of the Indians, and having several killed and wounded, fell back to their first position.

When darkness ended the firing, the troops were encamped a short distance from the battle-ground, at a place called by them Bloody Spring, where the wounded were cared for. At sunrise next morning the camp was attacked from all sides, the Indians engaging the troops until about the middle of the forenoon, when being repulsed they withdrew, and the troops took up their march for Grave Creek and Fort Bailey, carrying their wounded on litters. As to the results of the battle, the white men had little cause for congratulation. The volunteers had twenty-six killed, wounded, and missing; and the regulars four killed, and seven wounded, including Lieutenant Gibson, who was hit in the attack on the camp on the morning of the 1st of November.[30] The number of Indians killed was variously estimated at from eight to twenty. The number of Indians engaged in the battle was also conjectured to be from 100 to

[30] Capt. Rinearson's co., killed, Henry Pearl, Jacob W. Miller; missing and believed to be killed, James Pearsy; wounded, Enoch Miller, W. H. Crouch, and Ephraim Yager. Capt. Gordon's co., wounded, Hawkins Shelton, James M. Fordyce, William Wilson. Capt. Bailey's co., killed, John Gillespie; wounded, John Walden, John C. Richardson, James Laphar, Thomas J. Aubrey, John Pankey. Capt. Harris' co., wounded, Jonathan A. Petigrew, mortally, Ira Mayfield, L. F. Allen, William Purnell, William Haus, John Goldsby, Thomas Gill. Capt. Bruce's co., wounded mortally, Charles Godwin. Capt. Welton's co., wounded mortally, John Kennedy. Capt. William's co., killed, John Winters; wounded, John Stanner, Thomas Ryan. Of the regular troops three were killed in action on the field, and one by accidentally shooting himself; among the seven wounded was Lieut Gibson. Report of A. G. Henry in *Dowell's Or. Ind. Wars*, MS., i., 169–71; *Or. Statesman*, Nov. 17, 1855; *Ashland Tidings*, Nov. 2, 1877.

300. Such was the unfortunate termination of a combined effort on the part of the regular and volunteer troops to check the war in its incipiency, and signified that time, money, and blood must be spent in bringing it to a close. "God only knows," writes a correspondent of the *Statesman*, "when or where this war may end...These mountains are worse than the swamps of Florida."

Immediately upon information reaching the Umpqua of the onslaught of the 9th of October, 1855, at Rogue River, a petition was forwarded to Governor Curry, asking for five hundred volunteers for defence. The messenger, S. B. Hadley, giving notice en route, among other places at Eugene City, a request was sent the governor to permit Lane county to organize a company for the war. The effect of such petitions, and of the letters received from Rogue River, was to cause a proclamation by the governor, October 15th, calling for five companies of mounted volunteers to constitute a Northern battalion, and four companies of mounted volunteers to constitute a Southern battalion, to remain in force until discharged; each company to consist of sixty men, with the usual complement of officers, making a total of seventy-one, rank and file; each volunteer to furnish his own horse, arms, and equipments, and each company to elect its own officers, and thereafter to proceed without delay to the seat of war.

The proclamation declared that Jackson county would be expected to furnish the number of men required for the southern battalion, who would rendezvous at Jacksonville, elect a major to command, and report to headquarters. The northern battalion was to consist of two companies from Lane, and one each from Linn, Douglas, and Umpqua counties, to rendezvous at Roseburg. At the same time an order was issued from the office of E. M. Barnum, adjutant-general, leaving the movements of the two battalions to the discretion of their respective commanders, but

directing that all Indians should be treated as enemies who did not show unmistakable signs of friendship. No other instruction was given but to advise a concert of action with the United States forces which might be engaged in that section of the territory.[31]

Meanwhile, communications from democrats at Rogue River had reached the capital, and immediately the war became a party measure. It was ascertained that Ross in calling out the militia had made several whig appointments contrary to the will of the ruling party, which had attacked the governor for appointing whig surgeons in the northern battalion; so paramount were politics in ministering to the wants of wounded men! The governor, unfortunately for his otherwise stainless record, was unable to stem the tide, and allowed himself to become an instrument in the hands of a clique who demanded a course of action disgraceful to all concerned. Five days after issuing the proclamation, the governor ordered disbanded all companies not duly enrolled by virtue of said proclamation, information having been received that armed parties had taken the field with the avowed purpose of waging a war of extermination against the Indians without respect to age or sex, and had slaughtered a band of friendly natives upon their reservation, despite the authority of the agent and the commanding officer of the United States troops stationed there.[32] The immediate effect of the proclamation was to suspend volunteering in Douglas county, to which Ross had written to have another company raised,[33] and to throw discredit on those already in the field.

[31] See proclamation and general order, in *Or. Statesman*, Oct. 20, 1855; *Or. Argus*, Oct. 20, 1855.

[32] Grover in the legislature of 1856–7 found it necessary to explain the course of Governor Curry by saying that 'news was brought to him of the slaughter of Indians by a rabble from the neighborhood of Yreka; which information proved incorrect, some of the best citizens being engaged in the affair out of self-defence.' *Or. Statesman*, Jan. 27, 1857. This explanation referred to Lupton's attack on the Indians. *Cram's Top. Mem.*, 44; *Dowell's Or. Ind. Wars*, MS., i. 117.

[33] See *Letter of Capt. F. R. Hill*, in *Dowell's Or. Ind. Wars*, 177–8, vol. i.

The first companies enrolled under the governor's proclamation were the two called for from Lane county,[34] one of which, under Captain Bailey, was present at the action of October 31st and November 1st, as already stated. The next companies to respond to the governor's call were those from Linn, Douglas, and Umpqua counties.[35] These constituted the northern battalion. The companies contained from 87 to 111 men each, and were quickly organized, William J. Martin being chosen major.

On the 7th of November Colonel Ross ordered the assembling of the 9th regiment at Fort Vannoy, in order that all who desired should be mustered into the territorial service as members of the southern battalion. On the 10th captains James Bruce, R. L. Williams, William A. Wilkinson, and Miles F. Alcorn offered and were accepted, in the order named, and an election for major resulted in the choice of Bruce.[36] Complaint reaching the governor that by disbanding

MS., where he says: 'I was just on the eve of getting a company to make a start, when the word was out that it was not legal, and the governor's proclamation did not call for but one company from Douglas and one from Umpqua.'

[34] Co. A, North Battalion O. M. Vols, Lane county, enrolled Oct. 23d: capt., Joseph Bailey; 1st lieut., Daniel W. Keith; 2d lieut, Cyrenus Mulkey, resigned Dec. 30th; Charles W. McClure elected in his place. Co. B, Lane county, enrolled Oct. 23d: capt., Laban Buoy; 1st lieut, A. W. Patterson, resigned and transferred to medical department, L. Poindexter being elected in his place; 2d lieut, P. C. Noland. *Or. Jour. House*, 1855–6, ap. 145.

[35] Co. C, Linn county, enrolled Oct. 24th: capt., Jonathan Keeney; 1st lieut, A. W. Stannard; 2d lieut, Joseph Yates. Co. D, Douglas county, enrolled Oct. 25th: capt., Samuel Gordon; 1st lieut, S. B. Hadley; 2d lieut, T. Prater. Co. E, Umpqua county, enrolled Nov. 8th: capt., W. W. Chapman; 1st lieut, Z. Dimmick; 2d lieut, J. M. Merrick. *Or. Jour. Council*, 1855–6, ap. 146.

[36] Co. A: capt., James Bruce; 1st lieut, E. A. Rice, who was elected capt. after the promotion of Bruce; 2d lieut, John S. Miller; 2d lieut, J. F. Anderson. Co. B: capt., R. L. Williams; 1st lieut, Hugh O'Neal; 2d lieut, M. Bushey. Co. C: capt., Wm A. Wilkinson; 1st lieut, C. F. Blake; 2d lieut, Edwin Hess. Co. D: capt., Miles F. Alcorn; 1st lieut, James M. Matney; 2d lieut, John Osborn. *Or. Jour. House*, 1855–6, ap. 146–7. The militia organization as it now stood comprised the following officers: A. P. Dennison and Benj. Stark, aids de camp to the gov.; John F. Miller, quartermaster gen.; A. Zeiber and S. S. Slater, asst quartermaster general; M. M. McCarver, commissary gen.; B. F. Goodwin and J. S. Ruckle, asst com. gen.; Wm J. Martin, maj. north bat.; J. W. Drew and R. E. Stratton, adj. north bat.; Wm G. Hill and I. N. Smith, aids to major north bat.; James Bruce, maj. of south bat.; O. D. Hoxie, adj. south bat.; J. K. Lamerick, mustering officer for southern Oregon. *Or. Jour. House*, 1855–6, ap. 143–7.

the 9th regiment several sections were without defence, Curry, with Adjutant General Barnum, answered in person, arriving on the field about the last of November. The only change made, however, by the governor's visit was the consolidation of the northern and southern battalions into one regiment, to be called the 2d Regiment of Oregon Mounted Volunteers. This change necessitated an election for regimental officers, and R. L. Williams was chosen colonel, while Martin was obliged to content himself as second in command.

Immediately after the battle of Grave Creek hills, Major Fitzgerald proceeded to Fort Vancouver and thence to The Dalles, and his troops remained in garrison during the winter. This reduced the regular force on Rogue River to Smith's command. An agreement was entered into between the regular and volunteer commanders to meet at the Grave Creek house about the 9th of November, prepared to pursue and attack the Indians. In the mean time a scouting party of Bailey's company was to find the Indians, who had disappeared, according to custom, from their last battle-ground.[37]

On the 17th of November Bruce, learning that a number of houses on Jump Off Joe Creek had been burned, sent a request to Martin to join him there. Communications were also sent to the commanders at Fort Lane and Fort Jones, and Judah with a small force joined in pursuit of the savages. Shortly after, Williams fell in with a small band at the mouth of Jump Off Joe Creek and killed eight.[38]

[37] 'Just before they took their departure they went on the reserve, burned all the boards and shingles there, and every article of value belonging to chief Sam's people; a temporary house I had erected for the accommodation of persons laboring on the reserve, shared the same fate; they also killed or drove away seven of the cattle belonging to the agency.' Agent Ambrose to Supt. Palmer, Nov. 30, 1855, in *U. S. H. Ex. Doc.*, 93, p. 119, 34th cong. 1st sess.

[38] *Or. Statesman*, Dec. 1, 1855; Rept of Major Martin, Dec. 10, 1855, in *Or. Jour. House*, 1855–6, ap. 122.

The 21st saw the white men in full force en route down Rogue River, some on one side and some on the other. After four days, and encountering many difficulties, they came upon the enemy at The Meadows and found them well fortified. While preparing to attack, on the 26th, the Indians opened fire from a dense covert of timber bordering the river, which caused them to fall back. Being short of food and clothing for a winter campaign, they determined for the present to abandon the enterprise.

While the southern army was returning to headquarters, roving bands of Indians were committing depredations in the Umpqua Valley. On the 3d of December a small party of the Cow Creek Indians attacked the settlements on the west side of the south Umpqua, destroying fifteen houses and much other property, compelling the settlers to shut themselves up in forts. On the 24th Captain Alcorn found and attacked a camp of Indians on the north branch of Little Butte Creek, killing eight warriors and capturing some animals. About the same time Captain Rice, hearing of another camp on the north bank of Rogue River, probably driven out of the mountains by the weather, which was exceedingly severe that winter, proceeded with thirty men to attack them, and after a battle lasting for six hours killed the most of them and took captive the remainder.[29]

About the 1st of January, 1856, it was ascertained that a party of Indians had taken possession of some deserted cabins on Applegate Creek, and fortified them. Major Bruce immediately ordered Captain Rice to proceed to that place and attack them. Others joined. About two miles from Jacksonville they were fired on

[29] 'These two fights have blotted out Jake's band.' *Corr. Or. Statesman*, Jan. 15, 1856. General Wool, in his official report of May 30, 1856, calls Jake 'a friendly old chief,' and says that his band comprising 30 or 40 males was destroyed by the volunteers, with all their huts and provisions, 'exposing the women and children to the cold of December, who in making their way to Fort Lane for protection, arrived there with their limbs frozen.' See *Cram's Top. Mem.*, 45.

and one man killed.[40] On arriving at the cabins, three of which were occupied by the Indians, late in the afternoon of the 4th, the howitzer was planted and a shell dropped through the roof of one, killing two of the inmates. The white men had one killed and five wounded. There matters rested till next morning, when the cabins were found to be empty, the Indians of course having found means to escape. These savages made good shots at 400 yards.

Toward the middle of the month Bruce's command had a fight with one hundred natives on a branch of Applegate Creek, the latter retreating with four killed. And thus the winter wore away, a dozen bands each of white men and red, roaming up and down the country, each robbing and burning, and killing as best they were able, and all together accomplishing no great results, except seriously to interfere with traffic and travel. Exasperated by a condition so ruinous, the desire to exterminate the savages grew with the inability to achieve it. Such was the nature of the conflict in which, so far, there had been neither glory nor success, either to the arms of the regular or volunteer service; nor any prospect of an end for years to come, the savages being apparently omnipresent, with the gift of invisibility. They refused to hold any communication with the troops, who sought sometimes an opportunity to reason with them.

The men composing the northern battalion having no further interest in the war than at first to gratify an evanescent sympathy, or a love of adventure, were becoming impatient of so arduous and unprofitable a service, and so demanded and received their discharge. General Wool was then petitioned for aid, and he immediately despatched two companies under Colonel Buchanan. In the mean time the legislative assembly had elected J. K. Lamerick brigadier-gen-

[40] *Dowell's Or. Ind. Wars*, MS., ii. 19; *Lane's Autobiography*, MS., 107; *Brown's Autobiography*, MS., 40–1.

eral of Oregon territory; and in conformity with a proclamation of the executive, he issued a call for four companies of mounted volunteers to supply the place of the northern battalion,[41] who were ordered to report to Lieutenant-colonel Martin at Roseburg. These companies were enrolled more rapidly than might have been anticipated, after the tedious and fruitless nature of the war had become known.[42]

Captain Buoy's company remained in the field under the command of its former 2d lieutenant, P. C. Noland, now its captain. The southern companies were recruited, and kept the field; so that after a month of suspense, during which many of the inhabitants who up to this time had remained at their homesteads unwilling to abandon all their property, left their claims and removed to the Willamette Valley, or shut themselves up in fortified houses to await a turn in events. That turn it was hoped General Lamerick, being a good democrat and an experienced Indian-fighter, would be able to give, when spring made it possible to pursue the Indians into the mountains. It has been said that Williams was incompetent; but Lamerick was not guiltless of a blunder in ordering all the new companies concentrated in the Umpqua Valley; and the headquarters of the southern companies changed from Vannoy Ferry to Forest Dale, a place not in the line of the hostile incursions. Taking advantage of this disposition of the forces, Limpy, one of the hostile chiefs, with a party of thirty warriors, made a visit to Fort Lane, bearing a flag of truce; the object of the visit being to negotiate for the release of some of the women held as prisoners at the fort.

[41] The enrolling officers appointed by Lamerick were Wm H. Latshaw, A. W. Patterson, Nat. H. Lane, Daniel Barnes, James A. Porter, for companies to be drawn from Lane, Benton, Douglas, and Linn counties. *Or. Statesman*, Feb. 12, 1856.

[42] Wm H. Latshaw was elected capt. of the Lane county co.; John Kelsey of the Benton county co.; and Daniel Barnes of the Douglas county co. *Or. Statesman*, Feb. 19, 1856. Of the co. of 50 raised at Deer Creek (Roseburg) in February, Edward Sheffield was elected capt.; S. H. Blunton 1st lieut; Elias Capran 2d lieut. *Id.*

Following the outbreak in October, the agents on the coast, at Port Orford, the mouth of Rogue River, and the mouth of the Umpqua, used many precautions to prevent the Indians in their charge from becoming infected with the hostile spirit of their brethren of the interior. The superintendent sent his agents a circular containing regulations and precautions, among which was the collecting of the Indians on the several temporary reserves, and compelling them to answer to roll-call.

The agent in charge of the Indians below Coos Bay was Ben Wright, a man admired and feared by them. Learning that overtures had been made to the Coquilles and other coast tribes to join the hostile bands, Wright hastened to visit those under his charge, who lived up about the head waters of the several small rivers emptying into the ocean between the mouth of the Rogue and the Coquille rivers. He found, as he expected, emissaries of the hostile bands among these on the lower Rogue River, who, though insolent, took their departure when threatened with arrest; and he was able, as he supposed, to put a stop to further negotiations with the enemy, the Indians promising to follow his advice.

On returning to the mouth of the river, he found the people alarmed by rumors of anticipated trouble with the Coquilles, and again hastened to arrest any mischief that might be brewing in that quarter. He found these Indians quiet, and expressing great friendship, but much in fear of an attack from the settlers of the Umpqua Valley, who they had been told were coming to kill them all. Their uneasiness appeared to be increased by discovering in their neighborhood a large camp of the families, women and children, of the hostile bands, with a few men to guard them, knowing that such a circumstance would be liable to be construed against them. They were promised an agent to remain with them and ward off trouble until the excitement should have abated.

Returning to the coast, Wright fell in with a party of armed men from Coos Bay going toward the Indian camp with the determination to destroy it. To these men he represented that the Coquilles were friendly, and returned with them to their camp, where he succeeded in convincing each that neither had any occasion to fear the other; and appointing one of their number sub-agent on the spot, again returned to the coast with the others. At Randolph he found the settlers greatly excited by the news from the interior. Having concealed their portable property, they were removing to Port Orford for safety. At the mouth of Rogue River defences had been built, and in their wrath the white men were threatening to kill or disarm all the Indians in the vicinity. A few cool and reflecting minds were able, however, to maintain a more prudent as well as humane policy, the excitement on both sides seemed gradually to abate,[43] and Wright believed that with the assistance of the troops at Port Orford he should be able to preserve the peace and secure the public good.

About the middle of November Agent E. P. Drew, who had in charge the Coos Bay and Umpqua Indians, became convinced that the former were in communication with those at war, and hastily collecting the Umpquas on the reservation at the mouth of the river, and placing over them a local agent, went to Coos Bay. At Empire City he found congregated the settlers from the upper Coquille and Coos rivers, in anticipation of an outbreak. A company was formed and the savages attacked at Drolley's, on the lower branch of the Coquille, four being killed, and four captured and hanged. There were few troops at Port Orford when the war broke out, and these would have been removed to the north on the call of Major

[43] Collector Dunbar at Port Orford wrote to Palmer that there was no doubt that Wright could maintain peace in his district. 'Ben is on the jump day and night. I never saw in my life a more energetic agent of the public. His plans are all good, there can be no doubt of it.' *U. S. H. Ex. Doc.*, 93, 127–9, 34th cong. 1st sess.

Raines had not Wright represented so powerfully to Major Reynolds, who came to take them away, the defenceless condition of the settlements in that event, that Reynolds was induced to remain. Still feeling their insecurity, the white inhabitants of Whaleshead, near the mouth of Rogue River, as I have mentioned, erected a rude fort upon an elevated prairie on the north bank of that stream. A company of volunteers was also organized, which had its encampment at the big bend of Rogue River during the winter; but on the proclamation of the governor in February, calling for new companies to reorganize, the 1st regiment of Oregon Mounted Volunteers had moved down near the settlement in order to fill up its ranks to the standard fixed by the proclamation, of sixty privates and eleven officers.

The conduct of the Indians under Wright had been so good since the punishment of the Coquilles in the early part of the winter that no apprehensions were felt beyond the dread that the fighting bands might some time make a descent upon them; and for this the volunteers had been duly watchful. But what so subtle as savage hate? On the night of the 22d of February a dancing-party was given at Whaleshead in honor of the day, and part of the volunteer company was in attendance, leaving but a few men to guard the camp. Early on the morning of the 23d, before the dancers had returned, the guard was attacked by a large body of Indians, who fell upon them with such suddenness and fury that but two out of fifteen escaped. One, Charles Foster, concealed himself in the woods, where he remained an undiscovered witness of much that transpired, and was able to identify the Indians engaged in the massacre, who were thus found to be those that lived about the settlement and were professedly friendly.

While the slaughter was going on at the volunteer camp some Indians from the native village on the south side of the river crossed over, and going to the

house of J. McGuire, where Wright had his lodgings, reported to him that a certain half-breed named Enos,[44] notoriously a bad man, was at the village, and they wished the agent to arrest him, as he was making trouble with the Tootootonies. Without the slightest suspicion of treachery, Wright, with Captain Poland of the volunteers, crossed the river to look into the matter, when both were seized and killed.[45] The bodies were then so mutilated that they could not be recognized.

The death of Wright is a sad commentary on these sad times. He was a genial gentleman, honest, frank, brave, the friend and protector of those who slew him. It is a sad commentary on the ingratitude of man, who in his earlier and lower estate seems fitted to be ruled by fear rather than by love. During these troublous times in southern Oregon, I am satisfied that the United States government endeavored to do its best in pursuing a moderate and humane policy; and it was singularly fortunate about this time in having as a rule conscientious and humane men in this quarter, determined at the peril of their lives to defend their charge from the fury of the settlers and miners, who were exasperated beyond endurance by having their houses burned and their wives and children captured or slain. And to none is the tribute of praise more justly due than to Benjamin Wright, who died at his post doing his duty.

[44] This half-breed Enos was formerly one of Frémont's guides, and is spoken of by Frémont as a very brave and daring Indian. *Corr. Or. Statesman*, March 11, 1856; *Indian Aff. Rept.*, 1856, p. 201–2; *Crescent City Herald Extra*, Feb. 25, 1856. He was hanged at Fort Orford in 1857, for his part in the massacre. *Or. Statesman*, March 31, 1857; *Tichenor's Historical Correspondence*, MS.

[45] Parrish, *Or. Anecdotes*, MS., 81–3, says that Wright was at a dance in a log cabin on Rogue River, about Christmas 1854! and that with others he was killed for his treatment of the women. Dunbar and Nash state that the agent kept a native woman, Chetcoe Jennie, who acted as interpreter, and drew from the government $500 a year for that service, and who betrayed him to his death, and afterward ate a piece of his heart. *Dowell's Or. Ind. Wars*, MS., ii. 27; *Ind. Aff. Rept.*, 1856, 201–2; *Or. Statesman*, March 11, 1856; *Crescent City Herald*, Feb. 26, 1856; *U. S. H. Ex. Doc.*, 39, p. 47–8, 35th cong. 1st sess.

Nor did this horrible and dastardly work end here. Every farmer in the vicinity of Whaleshead was killed, every house burned but one, and every kind of property destroyed. The more distant who escaped the massacre, to the number of 130, fled to the fort, but being poorly armed, might still have fallen a prey to the savages, had they not with their customary want of persistence, drawn off after the first day's bloody work. At nightfall on the 23d a boat was despatched to Port Orford to inform Major Reynolds of the fate of the settlement. But Reynolds could not go to the relief of Whaleshead without leaving exposed Port Orford, that place containing at this period but fifty adult male citizens and thirty soldiers. A whale-boat was, however, despatched for the purpose of keeping open communication with the besieged; but in attempting to land, the boat was swamped in the surf, and the men in it, six in number, were drowned, their bodies being seized by the savages and cut in pieces. Captain Tichenor with his schooner *Nelly* went to bring off the people of Whaleshead, but was prevented by contrary winds from approaching the shore. On the morning of the 24th the schooner *Gold Beach* left Crescent City with a volunteer company, whose design was to attack the Indians. They, too, were prevented from landing, and except at the fort the silence of death covered the whole country.

When the facts of the outbreak came to light, it was ascertained that the Indians attacked no less than seven different points within ten or twelve hours, and within a distance of ten miles down the coast on the south side of Rogue River, and also that a general fresh uprising occurred at the same time in other localities.[46]

[46] The persons killed in the first attack were Benjamin Wright, John Poland, John Idles, Henry Lawrence, Patrick McCullough, George McClusky, Barney Castle, Guy C. Holcomb, Joseph Wilkinson, Joseph Wagner, E. W. Howe, J. H. Braun, Martin Reed, George Reed, Lorenzo Warner, Samuel Hendrick, Nelson Seaman, W. R. Tulles, Joseph Seroc and two sons, John Geisell and four children, Mrs Geisell and three daughters being taken prisoners; and subsequently to the first attack, Henry Bullen, L. W. Oliver,

Those who took refuge in the fort were kept besieged for thirty-one days, when they were rescued by the two companies under Colonel Buchanan sent by General Wool, as before mentioned. A few days after the arrival of the troops a schooner from Port Orford effected a landing, and the women and children at the fort were sent to that place, while Buchanan commenced operations against the Indians, as I shall presently relate more in detail.

Daniel Richardson, George Trickey and Adolf Schmoldt—in all thirty-one. Warner was from Livonia, N. Y., Seaman from Cedarville, N. Y. The drowned were H. C. Gerow, a merchant of Port Orford, and formerly of N. Y.; John O'Brien, miner; Sylvester Long, farmer; William Thompson and Richard Gay, boatmen; and Felix McCue. Letter of James C. Franklin, in *Or. Statesman*, March 18, 1856; *Crescent City Herald*, Feb. 25 and May 21, 1856; *Corr. Coos Bay Mail*; *Dowell's Or. Ind. Wars*, MS., ii. 27; *Or. Argus*, March 8, 1856; *Or. Statesman*, April 29, May 13 and 20, 1856; *S. F. Alta*, March 4, 1856; *S. F. Bulletin*, March 12, 1856; *Cong. Globe*, 1855–6, pt i., 780, 34th cong. 1st sess.; *Sac. Union*, March 1, 1856.

CHAPTER XVI.

EXTERMINATION OF THE INDIANS.

1856-1857.

GRAND ROND MILITARY POST AND RESERVATION—DRIVING IN AND CAGING THE WILD MEN—MORE SOLDIERS REQUIRED—OTHER BATTALIONS—DOWN UPON THE RED MEN—THE SPRING CAMPAIGN—AFFAIRS ALONG THE RIVER—HUMANITY OF THE UNITED STATES OFFICERS AND AGENTS—STUBBORN BRAVERY OF CHIEF JOHN—COUNCILS AND SURRENDERS—BATTLE OF THE MEADOWS—SMITH'S TACTICS—CONTINUED SKIRMISHING—GIVING-UP AND COMING-IN OF THE INDIANS.

WHEN Superintendent Palmer determined to remove from the Rogue River and Umpqua reservations the Indians who had observed the treaties, to an encampment in the small and beautiful valley on the western border of Yamhill and Polk counties, known as the Grand Rond, so great was the anger and opposition of the white people of the Willamette in thus having these savages brought to their door, so loud their threats against both Indians and agents, that it was deemed prudent to ask General Wool for an escort and guard. Palmer wrote Wool that he believed the war was to be attributed wholly to the acts of the white population, and that he felt it his duty to adopt such measures as would insure the safety of the Indians, and enable him to maintain treaty stipulations,[1] recommending the establishment

[1] 'The future will prove,' said Palmer, 'that this war has been forced upon those Indians against their will, and that, too, by a set of reckless vagabonds, for pecuniary and political objects, and sanctioned by a numerous population who regard the treasury of the United States a legitimate subject of plunder.' *U. S. H. Ex. Doc.*, 93, 24, 34th cong. 1st sess. See also *Dowell's Letters*, MS., 42. Dowell takes a different view.

of a military post, and asking that a competent officer be directed to assist him in locating the proposed encampment, and making the improvements designed for the benefit of the Indians. Having once conceived the idea of removing the Indians from the southern reservations, Palmer was not to be deterred either by the protests of the people or the disapprobation of the legislative assembly.[2]

About the last of January 300 Umpquas and 200 Calapooyas were brought from the south and placed upon the Grand Rond reservation. As these bands had not been engaged in the recent hostilities, the feeling of alarm was somewhat softened, and much as their presence in the valley was deprecated, they were suffered to go upon the reserve without molestation, although no troops were present to intimidate the people.[3] At the same time Palmer gave notice that he intended to carry out his first design of removing all the other tribes whenever the necessary preparations had been made for their reception;[4] a

[2] During the debate over Palmer's course in the legislature, Waymire accused Palmer of being the cause of the war, and willing to bring about a collision between the United States troops and the citizens of the Willamette valley. 'Not only that,...but he actually proposes to bring 4,000 savages, red from the war, and plant them in one of the counties of this valley, with a savage and barbarous foe already upon its borders. "I will do it," said he, "and if you resist me, I will call upon General Wool for soldiers to shoot down the citizens."' *Or. Statesman*, Jan. 15, 1856. And on the hesitation of Colonel Wright, who was first applied to to furnish it without the sanction of General Wool, then in California, Palmer thus wrote Commissioner Mannypenny: 'To be denied the aid of troops at a critical moment, upon flimsy pretences or technical objections, is to encourage a spirit of resistance to authority and good order, and effectively neutralize all efforts to reduce the Indians and lawless whites to a state of subordination.' *U. S. H. Ex. Doc.*, 93, 131-2, 34th cong. 1st sess.

[3] The Indians were moved in a heavy storm of rain and snow, Capt. Bowie of the northern battalion with 20 men being ordered to escort Metcalfe and his charge. At Elk Creek the Indians were seized with a panic on account of rumors of the removal of Palmer from the superintendency, and refused to go farther. Palmer called upon Colonel Wright for troops, and was referred, as I have said, to General Wool, when, without waiting, Metcalfe proceeded alone to the reservation, having quieted the fears of the Indians.

[4] The opposition of the white population was not all that was to be overcome, as Palmer had been warned by his agents. In order to induce the Umpquas to leave their homes, it was agreed by treaty that each Indian should be given as much land as he had occupied in the Umpqua Valley, with a house as good or better than the one he left, with pay for all the property abandoned, and clothing and rations for himself and family until all were

promise which was partly carried out in March by the removal of the Rogue River Indians from Fort Lane to the Grand Rond, none of that resistance being offered which had been feared. Preparations were then made for bringing all the tribes from Coos Bay south to the California line upon the coast reservation selected in 1854. The legislature had asked for the removal of the superintendent on this ground;[5] though in reality it was a political dodge; and his removal was accomplished before he had fairly finished the work in hand.[6]

Immediately after the massacre of Whaleshead Governor Curry issued still another proclamation, calling for another battalion for service in the south.[7] The governor also sought to modify his error in disbanding all unauthorized companies, by advising the organization in all exposed localities of new companies of minute-men, the captains of which were ordered to report to the adjutant-general, and recognizing those already formed as belonging to this branch of the service.

settled in their new homes; nor were any of these things to be deducted from their annuities. Grande Ronde reservation contained about 6,000 acres, and was purchased of the original claimants for $35,000. Letter of citizens of Yamhill county, in *Or. Statesman*, April 29, 1856.

[5] 'We the undersigned, democratic members,' etc. Then followed charges that Joel Palmer had been instrumental in provoking the Indian war; and what was more to the point, 'while representing himself as a sound national democrat, he had perfidiously joined the know-nothings, binding himself with oaths to that dark and hellish secret political order.' They asked for these reasons that Palmer be removed and Edward R. Geary appointed in his place. Signed by the speaker of the house and 34 members of the house and council. *U. S. H. Ex. Doc.*, 93, 133–5, 34th cong. 1st sess.

[6] E. R. Geary was not his successor, but A. F. Hedges, an immigrant of 1843.

[7] There was at this time a regiment in the Walla Walla Valley, and one in southern Oregon, besides several companies of minute-men for defence. The proclamation called for three new companies, one from Marion and Polk counties, one from Benton and Lane, and one from Linn. The enrolling officers appointed for the first named were A. M. Fellows and Fred. Waymire; for the other two E. L. Massey and H. L. Brown. Waymire wrote the governor that Polk co. had sent over 100 men to the Walla Walla Valley, 76 to Rogue River, 22 to fill up a Washington regiment; that Polk co. was willing to go and fight, but since the importation of southern Indians to their border they felt too insecure at home to leave, and solicited permission from the executive to raise a company for defence against the Indians brought to their doors. *Or. Statesman*, April 1, 1856.

Under the new call two companies were raised; some who had served in the first northern battalion, after remaining at home long enough to put in a few acres of grain, reënlisted.[8] These were still at Eugene City waiting for arms when April was half gone.

The intermission of aggressive operations greatly emboldened the Indians. The 2d regiment was scattered, guarding isolated settlements.[9] Colonel Williams had resigned on account of the strictures passed upon his official management,[10] and Lieutenant-colonel Martin had resigned for a different reason.[11] By election on the 19th of March, 1856, Kelsey was made colonel, Chapman lieutenant-colonel, and Bruce and Latshaw majors of their respective battalions. The southern companies were ordered to rendezvous at Vannoy Ferry, and the northern at Grave Creek, to be in readiness to advance on The Meadows, the stronghold of the enemy, and toward which all the trails seemed to lead. At length, on the 16th of April, Chapman and Bruce moved with the entire southern battalion down the south side of Rogue River toward the supposed camp of the enemy, the northern battalion on the 17th passing down the north side under Lamerick, each division with supplies for twenty-five days. Three detachments were sent out to drive the Indians to their retreat, and Lamerick announced his intention to the governor to stay with the enemy until they were subdued or starved out.

[8] H. C. Huston's autobiography, in *Brown's Miscellany*, MS., 48–9. Linn county raised one company of 65 men commanded by James Blakely; Lane and Benton, one of 70 men, D. W. Keith captain.

[9] In the latter part of Feb. they reappeared in the Illinois valley, killing two men and wounding three others. Soon after they killed one Guess while ploughing Smith's farm, on Deer Creek. Guess left a wife and two children. The volunteers under O'Neil pursued the Indians and rescued the family, of which there is a circumstantial account in a series of papers by J. M. Sutton, called *Scraps of Southern Oregon History*, many of which are dramatically interesting, and extend through several numbers of the *Ashland Tidings* for 1877–8.

[10] R. L. Williams was a Scotchman, impetuous, brave, and determined. It was said that when he joined in the yells which the volunteers set up in answer to those of the savages, the latter hung their heads abashed, so successful was he in his efforts to outsavage the savages.

[11] Martin was appointed receiver of the new land office at Winchester. *Or. Statesman*, March 11, 1856.

At the same time there was on foot a movement on the part of the regular forces to close the war by a course independent of that of the volunteer generals, and directed by General Wool, who by the aid of maps and topographical reports had arranged his proposed campaign.[12] The secretary of war had deemed it necessary to administer a somewhat caustic reproof, since which Wool had three several times visited Vancouver, though he had not made a personal inspection of the other forts. He came in November 1855, and returned without making his visit known to the governor of Oregon. He came again in midwinter to look into the conduct of some of his officers in the Yakima war, and to censure and insult, as they thought, both them and the governors of Oregon and Washington. And in March he once more returned; this time bringing with him the troops which were at once to answer the petition of Jackson county, and to show volunteers how to fight. On the 8th of March, while on the way to Vancouver, he left at Crescent City Lieutenant-colonel Buchanan, with officers and men amounting to 96 rank and file, the same who relieved the besieged settlers at the mouth of Rogue River. On arriving at Vancouver he ordered to Port Orford Captain Augur, 4th infantry, to reënforce Major Reynolds, 3d artillery, who was directed to protect the friendly Indians and the public stores at that place. Captain Floyd Jones, 4th infantry, of Fort Humboldt, was instructed to repair to Crescent City to guard supplies and protect friendly Indians at that place, in compliance with the request of the superintendent. Captain Smith of Fort Lane was directed to repair to Port Orford with 80 dragoons, to make a junction with Buchanan;[13] and a

[12] 'I have good reason to believe,' wrote Lamerick to the governor, 'that General Wool has issued orders to the United States troops not to act in concert with the volunteers. But the officers at Fort Lane told me that they would, whenever they met me, most cordially coöperate with any volunteers under my command.' *Or. Statesman*, April 22, 1856.

[13] 'Our company,' says one of Smith's men, 'was obliged to take to the mountains on foot, as we had to climb most of the way where our horses

general rendezvous was ordered at the mouth of the Illinois River, where Palmer was to meet in council the Indians who were being pursued by the volunteers, and lead them to the reservation on the coast west of the Willamette Valley. Smith moved from Fort Lane about the 13th of April, a few days earlier than the volunteer army began its march on The Meadows.

On the 27th the two battalions were ready to attack. A reconnoissance by General Lamerick in person had discovered their camp on a bar of Rogue River, where the mountains rise on either side high and craggy, and densely timbered with manzanita, live-oak, chinquapin, and chaparral, with occasional bald, grassy hill-sides relieving the sombre aspect of the scene. A narrow strip of bottom-land at the foot of the heights, covered with rank grass and brambly shrubs, constituted The Meadows, where all winter the Indians had kept an ample supply of cattle in good condition for beef. Upon a bar of the river overgrown with willows the Indians were domesticated, having their huts and personal property.

The morning was foggy, and favorable for concealing the approach of the volunteers. Colonel Kelsey with 150 men reached the north bank of the river opposite and a little below the encampment without being discovered, while the southern battalion took position on the south bank, a short distance above the encampment. When the fog lifted a deadly volley from both sides was poured into the camp from a distance of no more than fifty yards, killing fifteen or twenty before they could run to cover, which they did very rapidly, carrying their dead with them.

could not go. We crossed Rogue River on a raft last Easter Monday, fought the Indians, drove them from their village, and burned it... We suffered great hardships on the march; there was a thick fog on the mountains, and the guide could not make out the trail. We were seven days straying about, while it rained the whole time. Our provisions ran out before the weather cleared and we arrived at Port Orford.' This was the kind of work the volunteers had been at all winter, with little sympathy from the regulars.

When they had had time to recover from the first recoil, the battle fell into the usual exchange of shots from behind the rocks and trees. It was prolonged till late in the afternoon, with considerable additional loss to the Indians, and two white men wounded.[14]

Next day Lamerick attempted to send across twenty-four men in two canvas boats, but was prevented by the shots of the enemy. And the day following the Indians could be seen through the falling snow wending their way over the mountains with their effects, while a few warriors held the white men at bay; so that when on the 29th Lamerick's army finally entered their camp, it was found deserted. All that remained was the offal of slaughtered oxen, and two scalps of white men suspended to a limb of a tree.[15] Fortifications were then erected at Big Meadows, eight miles below, and called Fort Lamerick, where part of the force remained, while the rest returned to headquarters, two companies disbanding. A month later Major Latshaw led 113 men on the trail of the Indians, and on the 28th of May a few were overtaken and killed by a detachment under Lieutenant Hawley; while Captain Blakely in a running fight of four miles down the river killed half a dozen, and took fifteen prisoners, two Rogue River chiefs, George and Limpy, narrowly escaping.[16] Skirmishing continued, but I have not space for the multiplicity of detail.

The Indians lost in the spring campaign fifty warriors killed and as many more wounded, besides being

[14] Elias D. Mercer, mortally. He was a native of Va., and resided in Cow Creek valley; was 29 years of age, and unmarried; a member of Wilkinson's company; a brave and worthy young man. *Or. Statesman*, May 13, 1856. On the day before the battle McDonald Hartness, of Grave Creek, and Wagoner were riding express from Fort Leland to Lamerick's camp, when they were shot at by Indians in ambush. Wagoner escaped, but Hartness was killed, cut in pieces, and his heart removed. He was from Ohio, but had lived on Grave Creek about a year, and was a man of excellent character. Volunteer, in *Or. Statesman*, May 20, 1856; *Portland Oregonian*, May 17, 1856; *S. F. Bulletin*, May 19, 1856; *Or. and Wash. Scraps*, 31.

[15] H. C. Huston, in *Brown's Miscellany*, MS., 49.

[16] Rept of Lamerick, in *Or. Statesman*, June 24, 1856.

greatly crippled in their resources of provisions, ammunition, and gold-dust by the destruction of their caches. Many of them were tired of being driven back and forth through the mountains, and would have sued for peace but for the indomitable will of their leader, John. That warrior was as far as ever from being conquered, and still able to cope with either volunteer or regular armies.[17]

Let us turn to the operations of General Wool's army. Buchanan had been more than a month at the mouth of Rogue River endeavoring to induce the Indians to go quietly on a reservation, but without success. After some manœuvring, during which the

[17] About this time a person named John Beeson, a foreigner by birth, but a naturalized citizen of the U. S., who had emigrated from Ill. to Rogue River in 1853, wrote letters to the papers, in which he affirmed that the Indians were a friendly, hospitable, and generous race, who had been oppressed until forbearance was no virtue, and that the war of 1853 and the present war were justifiable on the part of the Indians and atrocious on the part of the whites. He supported his views by quotations from military officers and John McLoughlin, and made some good hits at party politics. He gave a truthful account of the proceedings of the democratic party; but was as unjust to the people of southern Oregon as he was censorious toward the governor and his advisers, and excited much indignation on either hand. He then began writing for the S. F. *Herald*, and the fact becoming known that he was aiding in the spread of the prejudice already created against the people of Oregon by the military reports, public meetings were held to express indignation. Invited to one of these, without notification of purpose, Beeson had the mortification of having read one of his letters to the *Herald*, which had been intercepted for the purpose, together with an article in the N. Y. *Tribune* supposed to emanate from him, and of listening to a series of resolutions not at all flattering. 'Fearing violence,' he says, 'I fled to the fort for protection, and was escorted by the U. S. troops beyond the scene of excitement.' Beeson published a book of 143 pages in 1858, called *A Plea for the Indians*, in which he boasts of the protection given him by the troops, who seemed to regard the volunteers with contempt. He seemed to have found his subject popular, for he followed up the *Plea* with *A Sequel*, containing an *Appeal in behalf of the Indians; Correspondence with the British Aboriginal Aid Association; Letters to Rev. H. W. Beecher, in which objections are answered; Review of a Speech delivered by the Rev. Theodore Parker; A Petition in behalf of the Citizens of Oregon and Washington Territories for Indemnity on account of Losses through Indian Wars; An Address to the Women of America*, etc. In addition, Beeson delivered lectures on the 'Indians of Oregon' in Boston, where he advocated his peculiar views. At one of these lectures he was confronted by a citizen of Washington territory, *Sayward's Pioneer Reminiscences*, MS., 8–10; and at a meeting at Cooper Institute, New York, by Captain Fellows of Oregon. *Or. Statesman*, Dec. 28, 1858. It was said that in 1860 he was about to start a paper in New York, to be called the *Calumet*. *Rossi's Souvenirs*. In 1863 Beeson endeavored to get an appointment in the Indian department, but being opposed by the Oregon senators, failed. *Or. Argus*, June 8, 1863.

troops stood on the defensive, Ord was sent with 112 men, on the 26th of April, to destroy a village of Mackanootenais, eleven miles from Whaleshead, as a means of inducing them to come to terms, which was accomplished after some fighting, with the loss of one man. On the 29th Ord moved from his encampment to escort a large government train from Crescent City to the mouth of Rogue River. His command of sixty men was attacked at the Chetcoe River by about the same number of Indians. In the skirmish he lost one man killed and two or three wounded, and slew five or six of the enemy, the attacking party being driven from the field.[18] And there were a few other like adventures.

In the mean time the volunteer companies on the coast were not idle. The Coos county organization under captains W. H. Harris and Creighton, and Port Orford company under R. Bledsoe, harassed the Indians continually, with the design of forcing them into the hands of the regulars. The Coquilles at one time surrendered themselves, and agreed to go on the reservation, but finally feared to trust the white man's word. Lieutenant Abbott surprised two canoes containing twelve warriors and three women, and killed all but one warrior and two women.

Again the Indians gave signs of yielding, and many of the Coquilles who had been gathered on the military reservation at Port Orford by the Indian agents, but who had run away, returned and gave themselves up. These declared that Enos and John had deceived and deserted them. They had been told that the white people in the interior were all slain, and that if they would kill those on the coast none would be left.

Early in May Buchanan moved his force to the mouth of the Illinois River. With him were several Indians who had surrendered, to be used as messengers to the hostile bands. These, chiefly women,

[18] J. C. F., in *Or. Statesman*, June 10, 1856; *Cram's Top. Mem.*, 50; *Crescent City Herald*, June 4, 1856.

were sent out to gather the chiefs in council at Oak Flat on the right bank of the Illinois River, not far above the mouth. In this mission the messengers were successful, all the principal war-chiefs being in attendance, including John,[19] Rogue River George, Limpy, and the chiefs of the Cow Creek and Galice Creek bands. The council was set for the 21st of May. On that day the chiefs came to the appointed place as agreed, and all, with the exception of John, consented to give up their arms on the 26th, at The Meadows, and allow Smith to escort a part of them to the coast reservation by the way of Fort Lane. Others were to be escorted by different officers to Port Orford, and taken thence to the reservation by steamer. John, however, still held out, and declared his intention not to go on the reservation. To Colonel Buchanan he said: "You are a great chief; so am I. This is my country; I was in it when these large trees were very small, not higher than my head. My heart is sick with fighting, but I want to live in my country. If the white people are willing, I will go back to Deer Creek and live among them as I used to do; they can visit my camp, and I will visit theirs; but I will not lay down my arms and go with you on the reserve. I will fight. Good-by." And striding out of camp, he left the council without hinderance.[20]

On the day agreed upon for the surrender, Smith was at the rendezvous with his eighty men to receive the Indians and their arms. That they did not appear gave him little anxiety, the day being rainy and the trails slippery. During the evening, however, two

[19] I have before me a photograph of John and his son. John has an intelligent face, is dressed in civilized costume, with the hair cut in the fashion of his conquerors, and has much the look of an earnest, determined enthusiast. His features are not like those of Kamiakin, vindictive and cruel, but firm, and marked with that expression of grief which is often seen on the countenances of savage men in the latter part of their lives. In John's case it was undoubtedly intensified by disappointment at his plans for the extermination of the white race. His son has a heavy and lumpish countenance, indicative of dull, stolid intelligence.

[20] *Or. Statesman*, July 15, 1856; *Ind. Aff. Rept*, 1856, 214; *S. F. Alta*, June 13, 19, 22, 1856; *S. F. Bulletin*, June 14, 28, 1856.

Indian women made him a visit and a revelation, which caused him immediately to move his camp from the bottom-land to a position on higher ground, which he imagined more secure, and to despatch next morning a messenger to Buchanan, saying he expected an attack from John, while he retained the Indian women in custody. Smith also asked for reënforcements, and Augur was sent to his relief.

The position chosen by Smith to fight John was an oblong elevation 250 by 50 yards, between two small streams entering the river from the north-west. Between this knoll and the river was a narrow piece of low land constituting The Meadows. The south side of the mound was abrupt and difficult of ascent, the north side still more inaccessible, the west barely approachable, while the east was a gentle slope. On the summit was a plateau barely large enough to afford room for his camp. Directly north of this mound was a similar one, covered with a clump of trees, and within rifle-range of the first.

On the morning of the 27th, the men having been up most of the night and much fatigued, numerous parties of Indians were observed to gather upon and occupy the north mound. Soon a body of forty warriors advanced up the eastern slope of Smith's position, and signified their wish to deliver their arms to that officer in person. Had their plan succeeded, Smith would have been seized on the spot; but being on his guard, he directed them to deposit their arms at a certain place outside the camp. Thus foiled, the warriors retired, frowning upon the howitzer which had been so planted as to sweep the ascent from this side. Lieutenant Sweitzer was stationed with the infantry to defend the crest of the western acclivity; the dragoons were expected to take care of the front and rear, aided by the abrupt nature of the elevation on those sides.

Seeing that the troops were prepared to fight, and that they would not be permitted to enter Smith's

camp under any pretence with arms in their hands, about ten o'clock the Indians opened fire, charging up the east and west slopes at once. The howitzer and the rifles of the infantry repelled them, and they fell back to cover. Then was heard the stentorian voice of John issuing his orders so loud and clear that they were understood in Smith's camp and interpreted to him. Frequently during the day he ordered charges to be made, and was obeyed. Some of his warriors attempted to approach nearer by climbing up the steep and craggy sides of the mound, only to be shot by the dragoons and roll to the bottom. Nevertheless, these continued attempts at escalade kept every man sharply at his work. In the matter of arms, the Indians had greatly the advantage, the musketoons of the dragoons being of service only when the enemy were within short range; while the Indians, being all provided with good rifles, could throw their balls into camp from the north mound without being discovered. Thus the long day wore on, and night came without relief. The darkness only allowed the troops time to dig rifle-pits and erect such breastworks as they could without proper implements.

On the 28th the Indians renewed the battle, and to the other sufferings of the men, both wounded and unwounded, was added that of thirst, no water being in camp that day, a fact well known to the Indians, who frequently taunted the soldiers with their sufferings.[21] Another taunt was that they had ropes to hang every trooper, not considering them worth ammunition.[22]

Up to this time Augur had not come. At four o'clock of the second day, when a third of Smith's command were dead or wounded, and the destruction

[21] They taunted them with the often repeated question, 'Mika hias ticka chuck?' You very much want water? 'Tieka chuck?' Want water? 'Halo chuck, Boston!' No water, white man! Cor., *Or. Statesman*, June 17, 1856.

[22] *Grover's Public Life*, MS., 49; *Or. and Wash. Scraps*, 23; John Wallen, in *Nichols' Ind. Aff.*, MS., 20; *Cram's Top. Mem.*, 53; Volunteer, in *Or. Statesman*, June 17, 1856; *Crescent City Herald*, June 11, 1856.

of the whole appeared but a matter of time, just as the Indians had prepared for a charge up the east and west approaches with a view to take the camp, Smith beheld the advance of Captain Augur's company, which the savages in their eagerness to make the final coup had failed to observe. When they were half-way up the slope at both ends, he ordered a charge, the first he had ventured, and while he met the enemy in front, Augur came upon them in the rear. The conflict was sharp and short, the Indians fleeing to the hills across the river, where they were not pursued, and Smith was rescued from his perilous situation.[23] Augur lost two men killed and three wounded, making the total loss of troops twenty-nine.[24] The number of Indians were variously stated at from 200 to 400. No mention is made by any of the writers on the subject of any loss to the enemy.

This exploit of John's was the last worthy of mention in the war. With all his barbaric strength and courage, and the valor and treachery of his associates, his career was drawing to a close. His resources were about exhausted, and his people tired of pursuing and being pursued. They had impoverished the white settlers, but they had not disabled or exterminated them. The only alternative left was to go upon a reservation in an unknown region or fight until they died. John preferred the latter, but the majority were against him. Superintendent Palmer presently came, and to him the two chiefs George and Limpy yielded, presenting themselves at camp

[23] Cram is hardly justified in calling this, as he does, a victory for the troops. *Brackett's U. S. Cavalry*, 171. Smith was a brave officer, but he was no match for Indian cunning when he took the position John intended, where he could be surrounded, and within rifle-range of another eminence, while he had but thirty rifles. This fighting in an open place, standing up to be shot at, at rifle-range, was what amazed, and at last amused, the Indians. The well conceived plan of the crafty chief failed; but it would have failed still more signally if Smith had sent for reënforcements on first receiving John's challenge, and had stationed himself where he could run away if he wished.

[24] *Cram's Top. Mem.;* Rept of Major Latshaw, in *Or. Statesman*, June 24, 1856; Rept of Palmer, in *Ind. Aff. Rept*, 1856, 215.

on the 30th with their people and delivering up their arms.

During June a mild species of skirmishing continued, with a little killing and capturing, some of the Indians surrendering themselves. Smith's forces on their march down the river destroyed some villages, and killed and drove to their death in the river some forty men, women, and children. Even such a fate the savage preferred to the terrors of a reservation. By the 12th over 400 had been forced into the regular camp, which was slowly moving toward Fort Orford. As the soldiers proceeded they gathered up nearly all the native population in their line of march. Similar policy was pursued in regard to the Chetcoe and Pistol River Indians, and with like results.

Deserted by other bands, and importuned by his own followers to submit, John finally, on the 29th of June, surrendered, and on the 2d of July arrived with his people at Fort Orford. He did not, however, surrender unconditionally. Before agreeing to come in, he exacted a promise that neither he nor any of his band should be in any wise punished for acts they had committed, nor compelled to surrender the property taken in war. On the 9th, with the remnant of his band, he was started off for the southern end of the coast reservation. Under the same escort went the Pistol River and Chetcoe Indians, or such of them as had not escaped, to be located on the same part of the coast, it being deemed desirable to keep the most warlike bands separated from the others. George and Limpy with the lower Rogue River people were carried by steamer to Portland, and thence to the northern part of the coast reserve.

To prevent the Indians from fleeing back to their old homes, Reynolds was ordered to the mouth of the Siuslaw, and shortly afterward a post was erected on the north bank of the Umpqua, about four miles below Gardiner. Captain Smith stationed his company at

the pass in the Coast Range west and a little north of the town of Corvallis, which post was named Fort Hoskins. Throughout these troubles considerable jealousy between the volunteers and the regulars was manifested, each claiming the credit of successes, and in reverses throwing the blame upon the other.

The war was now considered as ended in southern Oregon, although there was still that portion of the Chetcoe and Pistol River bands which escaped with some others to the number of about 200, and about 100 on Rogue River, who infested the highways for another year, compelling the settlers again to form companies to hunt them down. This created much dissatisfaction with the Indian superintendent, without any better reason apparently than that the patience of the people was exhausted.

With regard to Palmer's course, which was not without some errors, I cannot regard it in the main as other than humane and just. His faults were those of an over-sanguine man, driven somewhat by public clamor, and eager to accomplish his work in the shortest time. He had vanity also, which was offended on one side by the reproof of the legislature, and flattered on the other by being associated in his duties with an arbitrary power which affected to despise the legislature and the governor of Oregon. He succeeded in his undertaking of removing to the border of the Willamette Valley about four thousand Indians, the care and improvement of whom devolved upon his successors. For his honesty and eminent services, he is entitled to the respect and gratitude of all good men.[25]

Early in May 1865 most of the Rogue River

[25] Deady says: 'Few men in this or any other country have labored harder or more disinterestedly for the public good than General Palmer. A man of ardent temperament, strong friendships, and full of hope and confidence in his fellow-men, he has unreservedly given the flower of his life to the best interests of Oregon.' *Trans. Or. Pioneer Assoc.*, 1875, 37–8. Palmer ran for governor of Oregon in 1870, but was defeated by Grover. He died in 1879 at his home in Dayton.

people and Shastas who had been temporarily placed upon the Grand Rond reserve were removed to Siletz, Sam and his band only being permitted to remain as a mark of favor.

I will not here discuss further the reservation system. It was bad enough, but was probably the best the government could devise, the settlers being determined to have their lands. In theory, the savages thus became the wards of the United States, to be civilized, christianized, educated, fed, and clothed. In reality, they were driven from their homes, huddled within comparatively narrow limits, and after a brief period of misery they were swept from the earth by the white man's diseases.[26]

In March 1857 congress united the superintendencies of Oregon and Washington, and called for an estimate of the unpaid claims, which were found to aggregate half a million dollars, and which were finally allowed and paid.[27] On the Siletz reservation many Indians had farms of their own, which they worked, and many were taught the mechanic arts, for which they exhibited much aptitude; the women learning housekeeping and the children going to school by the advice of their parents; considerable progress having been made in the period between 1878 and 1887. It is also stated that their numbers increased instead of diminished, as formerly.

[26] It was the unpopular side to defend or protect the Indians during this war. There were many among the officers and servants of the United States brave and manly enough to do this. On the other hand, the government has made many bad selections of men to look after the Indians. Out of an appropriation by congress of $500,000, if the Indians received $80,000 or $100,000 they were fortunate.

[27] See letter of Nesmith, in *Or. Statesman*, Oct. 20, 1857. The estimated expense of the Indian service for Oregon for the year ending June 1858 was $424,000, and for Washington $229,000. *U. S. H. Ex. Doc.*, 37, 1–27, 129–40, 34th cong. 3d sess., and *Id.*, 76, vol. ix. 12, 22, 28; *Id.*, 93, vol. xi. 1–40, 54–73, 84–96. A special commissioner, C. H. Mott, was sent to examine into the accounts, who could find nothing wrong, and they were allowed, and paid in 1859.

CHAPTER XVII.

OREGON BECOMES A STATE.

1856-1859.

LEGISLATURE OF 1855-6—MEASURES AND MEMORIALS—LEGISLATURE OF 1856-7—NO SLAVERY IN FREE TERRITORY—REPUBLICAN CONVENTION—ELECTION RESULTS—DISCUSSIONS CONCERNING ADMISSION—DELEGATE TO CONGRESS—CAMPAIGN JOURNALISM—CONSTITUTIONAL CONVENTION—THE GREAT QUESTION OF SLAVERY—NO BLACK MEN, BOND OR FREE—ADOPTION OF A STATE CONSTITUTION—LEGISLATURE OF 1857-8—STATE AND TERRITORIAL BODIES—PASSENGER SERVICE—LEGISLATURES OF 1858-9—ADMISSION INTO THE UNION.

DURING these days Oregon was somewhat soured over the Indian question, and toward the United States generally. The savages should have been more quickly and cheaply killed; the regulars could not fight Indians; the postal service was a swindle and a disgrace; land matters they could manage more to their satisfaction themselves; better become a state and be independent. There was even some feeling between northern and southern Oregon; the former had labored and the latter had suffered, and both were a little sore over it.

About all the legislature of 1855-6[1] did was to move

[1] The councilmen elect were, for Multnomah, A. P. Dennison; Clackamas and Wasco, J. K. Kelly; Yamhill and Clatsop, John Richardson; Polk and Tillamook, J. M. Fulkerson; Marion, J. C. Peebles; Linn, Charles Drain; Umpqua, Douglas, and Coos, H. D. O'Bryant, democrats; and A. A. Smith of Lane and Benton, and E. H. Cleaveland of Jackson, whigs. Assemblymen, for Clatsop, Philo Callender; Wasco, N. H. Gates; Columbia, John Harris; Multnomah, G. W. Brown; Washington, H. Jackson; Clackamas, O. Risley, H. A. Straight, James Officer; Marion, L. F. Grover, William Harpole, J. M. Harrison; Yamhill, A. R. Burbank, Andrew Shuck; Polk, Fred. Waymire, R. P. Boisé; Linn, Delazon Smith, H. L. Brown, B. P. Grant; Benton, John Robinson, H. C. Buckingham; Lane, Isaac R. Moores, A.

the capital from Corvallis to Salem, ask congress to discharge General Wool and Superintendent Palmer, and send up a growl against Surveyor-general Gardiner and Postal-agent Avery.[2]

To prevent any benefit to southern Oregon from the appropriations, as well as to silence the question of the relocation acts, it was proposed to ask congress to allow what remained of the university fund to be diverted to common-school purposes; but the matter was finally adjusted by repealing all the former acts concerning the university, and making a temporary disposition of the fund.

With regard to the volunteer service in the Indian wars, Grover introduced a bill providing for the employment if necessary of the full military force of the territory, not exceeding three full regiments, to serve for six months or until the end of the war, unless sooner discharged; the volunteers to furnish as far as practicable their own arms and equipments, and to be entitled to two dollars a day for their services, and two dollars a day for the use and risk of their horses; all commissioned officers to receive the same pay as officers of the same rank in the regular service, besides pay for the use and risk of their horses; the act to apply to all who had been in the service from the beginning, including the 9th regiment of Oregon militia. The bill became a law, and the legislature memoralized congress to assume the expense,[3] which

McAlexander; Umpqua, John Cozad; Douglas, William Hutson; Coos, William Tichenor; Jackson, M. C. Barkwell, J. A. Lupton, Thos Smith, democrats; and H. V. V. Johnson of Washington and Briggs of Jackson, whigs. A vacancy was caused in the house by the death of J. A. Lupton; and subsequently in the council by the resignation of E. H. Cleaveland. The first place was filled by Hale, democrat, and the latter by John E. Ross, whig. Clerks of the council, Thomas W. Beale, A. Sulger, and L. W. Phelps; sergeant-at-arms, M. B. Burke; door-keeper, James L. Earle. Clerks of the lower house, James Elkins and D. Mansfield; sergeant-at-arms, A. J. Welch; door-keeper, Albert Boisé. *Or. Statesman*, June 30 and Dec. 8, 1855.

[2] The trouble was, with these men, they were on the wrong side in politics, that they were whigs and know-nothings, and everything vile.

[3] This legislature was not over-modest in its memorials. It asked for the recall of Wool from the department of the Pacific; that Empire City be made a port of entry; that land titles in Oregon be confirmed; that additional mail-routes be established; that two townships of land be granted in lieu of the

after much investigation and delay was done, as we have seen. The last of the political divisions of western Oregon were made at this session, when Curry and Josephine counties were established.[4] The question of a state constitution was not discussed at length, an act being passed to take the vote of the people upon it again at a subsequent election. On the 21st of January the legislature adjourned.[5]

Oregon City claim; that the expenses of the Indian war be paid; that the Indian superintendent be stayed from locating Indians in the Willamette Valley; that the federal government assume the expenses of the provisional government; that congress provide for the issuance of a patent to land claims; that a mail-route be established from San Francisco to Olympia; mail service east of the Cascade mountains; a military road from Oregon City to The Dalles; that the expenses of the Snake River expedition be paid; that the right of pensions be extended to disabled volunteers; that the spoliation claims of 1853 be liquidated; that congress pay for the services and expenses of the Rogue River war of 1854; that a military road be established from Olympia via the mouth of the Cowlitz to intersect the military road leading from Scottsburg to Myrtle creek; a military road from Port Orford to Jacksonville; money for a territorial library; and that congress recognize the office of commissioner to audit the war claims. Indeed, Philo Callander of Clatsop county was so appointed, but congress did not recognize him. The *Statesman* complained in September that Lane had obtained $300,000 for the Indian department, and nothing more for any purpose except the regular appropriation for territorial expenses, which would have been made without him. A little later it was ascertained that $500 had been obtained for the territorial library, which money was expended by Gov. Curry when he went to Washington in 1856 to defend himself from the attacks of Wool.

[4] It was proposed to name the former Tichenor, but that member declined, saying that his constitutents had instructed him to call the county after the governor. The second was named after Josephine Rollins, whose father first discovered gold on Josephine Creek. The county seat, Kirbysville, was named after Joel A. Kirby, who took a land claim on the site of that town. *Deady's Hist. Or.*, MS., 77; *Prim's Judicial Affairs*, MS., 2-3; *U. S. H. Ex. Doc.*, i. 348, 375, 419, 431, 34th cong. 1st sess.

[5] Several charters were granted to societies, towns, and schools. Astoria and Eola in Polk county were chartered. To-day Eola is a decayed hamlet and Astoria a thriving city by the sea. The Portland Insurance Company also took a start at this time. Masonic lodges, Warren No. 10, Temple No. 7, Jennings No. 9, Tuality No. 6, Harmony No. 12, received their charters at this session. There is a list of the officers of Harmony Lodge from 1856 to 1873 in *By Laws, etc.*, Portland, 1873. Multnomah Lodge No. 1 was incorporated January 19, 1854; Willamette Lodge No. 2, February 1st; Lafayette Lodge No. 3, January 23; and Salem Lodge No. 4, in February 1854. It is said the General George B. McClellan received the first three degrees in masonry in Willamette Lodge No. 2, at Portland. *O. F. Grand Lodge of Or.*, 1856-76. Acts incorporating the Willamette Falls Railroad Company, the Rockville Canal Company, the Tualatin River Transportation and Navigation Company, and no less than 14 road acts were passed. The assembly appointed A. Bush, printer; B. F. Bonham, auditor; J. D. Boon, treasurer; F. S. Hoyt, librarian; E. Ellsworth, university commissioner. Something should be here said of John Daniel Boon, who for many years was territorial treasurer. Deady calls him a good, plain, unlearned man, and a fervent

The democratic party, which had so long dominated Oregon, and to which whigs and know-nothings offered but a feeble opposition, had so conducted affairs during the Indian war of 1855–6 as to alienate some of its original supporters. It had, however, a strong hold on the people in the war debt, which it was believed Lane, through his influence with the administration, would be able to have discharged. So long as this appeared probable, or could be reasonably hoped for, much that was disagreeable or oppressive at home could be tolerated, and no steps were taken, at first, to follow the movement in the Atlantic States which was dividing the nation into two great parties, for and against slavery. Southern Oregon, which was never much in sympathy with the Willamette Valley, the seat of democratic rule, was the first to move toward the formation of a republican party. A meeting was held at the Lindley school-house, Eden precinct, in Jackson county, in May 1856, for the purpose of choosing candidates to be voted for at the June election.[6]

The meeting declared against slavery in the new states. The democrats might have said the same, but at this juncture they did not; it remained for the first republican meeting first to promulgate the sentiment in the territory. It was a spontaneous expression of incipient republicanism in the far north-west, not even the Philadelphia convention having yet pronounced. The election came; none of the candidates of Eden district were chosen to the legislature, though one know-nothing from the county was elected, and the

methodist preacher. *Scrap-book*, 87. He was born at Athens, Ohio, Jan. 8, 1817, and came to Oregon in 1845. He died at Salem, where he kept a small store, in June 1864. *Salem Mercury*, June 27, 1864. On the 13th of Dec. 1877 died Martha J. Boon, his wife, aged 54 years. Their children were 4 sons and several daughters, all of whom lived in Oregon, except John, who made his home in San Francisco. *San José Pioneer*, Dec. 29, 1877.

[6] The resolutions adopted were: that freedom was national and slavery sectional; that congress had no power over slavery in the states where it already existed; but that outside of state jurisdiction the power of the federal government should be exerted to prevent its introduction, etc. *Or. Argus*, June 7, 1856.

latter party did not differ, except in its native Americanism, from the republicans. As time passed, however, the republican sentiment grew, and on the 11th of October a meeting was held at Silverton in Marion county, when all opposed to slavery in free territory were invited to forget past differences and make common cause against that influence, to escape which many through toil and suffering had crossed a continent to make a home on the shores of the Pacific.[7] Other assemblages soon followed in almost every county.

When the legislature met in December, it was as it had always been a democratic body, but there were enough opposition members to indicate life in the new movement.[8] Few bills of a general nature were passed, but the drift of the discussions on bills introduced to allow half-breeds to vote, to exclude free negroes from the territory,[9] to repeal the viva voce bill, and kindred subjects plainly indicated a contest before the state constitution could be formed. An act was once

[7] Paul Crandall, O. Jacobs, T. W. Davenport, Rice Dunbar, and E. N. Cooke were the movers in this first attempt at organization in the Willamette Valley. The last three were appointed to correspond with other republicans for the furtherance of the principles of free government.

[8] Members of the council: John E. Ross, of Jackson county; Hugh D. O'Bryant, Umpqua, Douglas, and Coos; A. A. Smith, Lane and Benton; Charles Drain, Linn; Nathaniel Ford, Polk and Tillamook; J. B. Bayley, Yamhill and Clatsop; J. C. Peebles, Marion; J. K. Kelly, Clackamas and Wasco; Thos R. Cornelius, Washington, Columbia, and Multnomah. House: John S. Miller, Thomas Smith, Jackson; A. M. Berry, W. J. Matthews, Josephine; Aaron Rose, Douglas; A. E. Rogers, Coos and Curry; D. C. Underwood, Umpqua; James Monroe, R. B. Cochran, Lane; J. C. Avery, J. A. Bennett, Benton; Delazon Smith, H. L. Brown, William Roy, Linn; Wm M. Walker, Polk and Tillamook; A. J. Welch, Polk; L. F. Grover, William Harpole, Jacob Couser, Marion; William Allen, A. J. Shuck, Yamhill; A. L. Lovejoy, W. A. Starkweather, F. A. Collard, Clackamas; G. W. Brown, Multnomah; T. J. Dryer, Multnomah and Washington; H. V. V. Johnson, Washington; Barr, Columbia; J. W. Moffit, Clatsop; N. H. Gates, Wasco. *Or. Laws*, 1856–7, p. 8. James K. Kelly, prest council; L. F. Grover, speaker of the house, Clerks of the council, A. S. Watt, John Costello, and T. F. McF. Patton; sergeant-at-arms, G. W. Holmes; door-keeper, J. McClain. Clerks of the lower house, D. C. Dade, E. M. Bowman, J. Looney; sergeant-at-arms, J. S. Risley; door-keeper, J. Henry Brown. *Or. Statesman*, Dec. 9, 1856.

[9] When the commissioner in 1853–4 made a list of the former laws of Oregon which were to be adopted into the code, that one which related to the exclusion of free negroes was inadvertently left out, and was thus unintentally repealed. It was not revived at this session, owing to the opposition of the republican and some other members.

more passed at this session to take the sense of the people on the holding of a constitutional convention, and to elect delegates to frame a constitution in case a majority of the people should vote in favor of it.

In order to met the coming crisis, republican clubs continued to be formed; and on the 11th of February, 1857, a convention was held at Albany to perfect a more complete organization,[10] when the name Free State Republican Party of Oregon was adopted and its principles announced. These were the perpetuity of the American Union; resistance to the extension of slavery in free territory; the prohibition of polygamy; the admission of Oregon into the Union only as a free state; the immediate construction of a Pacific railway; the improvement of rivers and harbors; the application of the bounty land law to the volunteers in the Indian war of 1855–6; and the necessity for all honest men, irrespective of party, to unite to secure the adoption of a free state constitution in Oregon.[11] At Grand Prairie, a free state club was formed January 17th, whose single object was to elect delegates to the constitutional convention pledged to exclude from the state negroes, slaves or freemen.

The Oregon delegate to congress, Joseph Lane, had no objection to slavery, though he dared not openly advocate it. In conformity to instructions of the legislature, he had brought a bill for admission, which was before congress in the session of 1856. The

[10] Delegates: From Multnomah, Stephen Coffin, Charles M. Carter, L. Limerick; Clackmas, W. T. Matlock, W. L. Adams, L. Holmes; Washington, H. H. Hicklin; Yamhill, John R. McBride, S. M. Gilmore, W. B. Daniels, Brooks, and Odell; Linn, T. S. Kendall, J. Connor, J. P. Tate, John Smith, James Gray, William Marks, David Lambert; Polk, John B. Bell; Benton, William Miller, J. Young; Umpqua, E. L. Applegate. Committee to prepare an address, Thos Pope, W. L. Adams, and Stephen Coffin. Executive committee, J. B. Condon, T. S. Kendall, E. L. Applegate, and Thos Pope. *Or. Argus*, Feb. 21, 1876. See address in *Argus*, April 11, 1857.

[11] Among the first to promulgate republican doctrines were E. D. Shattuck, Lawrence Hall, Levi Anderson, H. C. Raymond, John Harrison, J. M. Rolando, S. C. Adams, S. M. Gilmore, G. W. Burnett, G. L. Woods, W. T. Matlock, H. Johnson, L. W. Reynolds, Geo. P. Newell, J. C. Rinearson, F. Johnson, H. J. Davis, John Terwilliger, Matthew Patton, G. W. Lawson, and W. Carey Johnson.

only objection offered was the lack of population to entitle the state to the representation asked for in the bill. Its failure, together with the failure of the Indian war debt bill, was injurious to the popularity of the delegate with his party. But during the following session a bill authorizing the people of Oregon to form a constitution and state government passed the lower house, and was taken up and amended in the senate, but not passed. It remained where it offered a substantial motive for the reëlection of the same delegate to complete his work.

Such was the position of affairs in the spring of 1857. The territory was half admitted as a state, a constitutional convention was to be held, a delegate to be elected, and a new political party was organizing which would contend for a share in the management of the public interests. It was not expected by the most enthusiastic republicans that they could elect a delegate to congress, their aim being different. The democrats for the first time were divided on nominations;[12] but after a little agitation the convention settled down to a solid vote for Lane, who thus became for the fourth time the congressional nominee of his party. This done, the convention proceeded to pass a resolution binding their county delegates to execute the will of the party "according to democratic usages," repudiating the idea that a delegate could, in pursuance of the interests or wishes of his district, refuse to support the nominations of his party, and still maintain a standing in that party.[13] Then came the announcement, "That we deny the right of any state to interfere with such domestic institutions of other

[12] Other possible candidates were Deady, Nesmith, Grover, Boisé, Delazon Smith, George H. Williams, and James K. Kelly. Clackamas and Clatsop nominated Kelly, but he declined, knowing that he could not be elected because he was not a democrat of that 'vigorous practice' which the *Statesman* required; that journal afterward reproaching him with losing this opportunity through too much independence of party government. See letter of Kelly, in *Or. Statesman*, Feb. 17, 1857.

[13] So well whipped in were the delegates to the convention that only the Clackamas members and J. L. Meek of Washington county voted against the resolution.

states as are recognized by the constitution;" that in choosing delegates to the constitutional convention no discrimination should be made between democrats in favor of or opposed to slavery, because that question should be left to be settled by a direct vote of the people.

To this parade of the ruling party the infant republican organization could offer no opposition that had in it any promise of success. A few of the older counties chose delegates to the constitutional convention; others had no republican representation. But there was a visible defection in the democratic ranks from the bold position taken by the leaders, that it was treachery to question their mandates, even when they conflicted with the interests and wishes of the sections of country represented—a doctrine directly opposed in sentiment to that of state rights, which the party was commanded to indorse. This was a species of subordination against which many intelligent democrats protested as strongly as the republicans protested against negro slavery. One newspaper, the Portland *Democratic Standard*, revolted, and was declared to be out of the party.[14]

The June election came on. The republican party had no candidate for delegate, but was prepared to vote for G. W. Lawson, a free soil democrat, who announced himself as an independent candidate for congress. Lane arrived toward the last of April, and the canvass began. Hitherto in an election the questions considered had been chiefly personal and local; or at the most, they involved nothing more important than a desired appropriation or a change in the land law. But now the people were called upon to lay the foundation of a state; to decide upon matters affecting the interests of the commonwealth for all time. The returns showed that while the principles

[14] There were few persons in Oregon not deeply interested in politics at this time. A correspondent of a California paper writes: 'The Oregonians have two occupations, agriculture and politics.' See remarks on the causes of dissension in the democratic party, in *Or. Statesman*, April 14 and 21, 1857.

of democracy still retained their hold on the people, a far greater number than ever before voted an opposition ticket, and that of the delegates chosen to the constitutional convention more than one third were either republicans or were elected on the opposition ticket; that the legislature, instead of being almost wholly democratic as for several preceding years, would at the next session have a democratic majority of but one in the council; and that there would be ten republicans among the thirty members of the house.[15]

During this important epoch the course of the *Statesman* was cautious and prudent, while seeming to be frank and fearless. It published with equal and impartial tolerance the opinions of all who chose to expound the principles of freedom or the evils or blessings of slavery. The other leading party journals were not, and could not afford to be, so calm and apparently indifferent to the issue; for while they were striving to mould public sentiment, the *Statesman* had one settled policy, which was to go whichsoever way the destinies of the democratic party led it. More than one new campaign journal was established,[16] and influences were brought to bear, hitherto

[15] The official returns for delegate to congress gave Lane 5,662 votes, and Lawson 3,471. The constitutional convention vote was 7,617 for and 1,679 against. The counties that gave a republican majority were Yamhill, Washington, Multnomah, Columbia, and Clatsop. Benton came within 25 votes of making a tie. In the other counties of the Willamette there was a large democratic majority. *Or. Argus*, June 13, 1857; *Or. Statesman*, July 7, 1857; *Tribune Almanac*, 1858, 63.

[16] There was *The Frontier Sentinel*, published at Corvallis, whose purpose was to give 'an ardent and unwavering support in favor of the introduction of slavery into Oregon.' The publisher was L. P. Hall from California, and the material was from the office of the *Expositor*, another democratic journal, whose usefulness had expired, and whose type was about worn out. *Or. Argus*, June 20, 1857. The *Occidental Messenger*, published at Corvallis, advocated the doctrine that there could be no such thing as a free state democrat. *Or. Statesman*, Aug. 25, 1857. 'The editor of that paper came to Oregon something less than six months ago, and issued a prospectus for a weekly newspaper. No one knew where he came from, who sent him, or how much Avery paid for him. In his prospectus he avowed himself in favor of the present national administration, in favor of the principles enunciated by the Cincinnati national democratic convention, and in favor of the introduction of slavery into Oregon.' From the remarks of the *Jacksonville Herald*, it appears that the *Sentinel* and the *Messenger* were one paper, edited by Hall.

unknown, to awaken in the minds of the people, the chief part of whom were descendants of slave-holders, a desire for unpaid servitude. To meet this apparently well organized effort of the southern democrats of the United States senate and of California, the republicans and free-state democrats of Oregon nerved themselves afresh. All the newspapers of whatever politics or religion were filled with discussions of the topic now more than any other absorbing the public mind. George H. Williams made a strong appeal in an article in the *Statesman* of July 28th, showing that Oregon was not adaped to slave labor. On the other hand, F. B. Martin urged the advantage and even the necessity of slave labor, both sides presenting lengthy arguments convincing to themselves.[17] With more ardor than discretion, Martin said that slavery would be a benefit to the negro himself; for if proved unprofitable, it would die out, and the blacks become free in a fine country. Now there was no such hater of the free negro as the advocate of slave labor; and unless the black man could be sure always to remain a chattel, they would oppose his entrance

Or. Statesman, Nov. 17, 1857. It was in this year that the *Jacksonville Herald* was first published, which leaned toward slavery. It was asserted by the California journals that the pro-slavery party of that state had its emissaries in Oregon, and that it was designed to send into the territory voters enough to give a majority in favor of slavery. *S. F. Chronicle*, Aug. 15, 1857. Ex-governor Foote of Mississippi, then in California, visited Oregon in August, which movement the republicans thought significant. *Marysville Herald* and *S. F. Chronicle*, in *Or. Statesman*, Sept. 8, 1857. Chas E. Pickett, formerly of Oregon, returned there from California, and contributed some arguments in favor of slavery to the columns of the *Statesman*. *Or. Argus*, Oct. 10, 1857; *Or. Statesman*, Oct. 6, 1857.

[17] See letter of J. W. Mack in favor of slave labor, in *Or. Statesman*, Aug. 18, 1857; and of Thomas Norris against, in the *Statesman* of Aug. 4, 1857; *Or. Argus*, Jan. 10, Sept. 5, Oct. 10, 1857. The *Pacific Christian Advocate*, methodist, edited by Thomas Pearne, shirked the responsibility of an opinion by pretending to ignore the existence of any slavery agitation, or that any prominent politicians were engaged in promoting it. Adams retorted: 'We should like to ask the *Advocate* whether Jo Lane, delegate to congress; Judge Deady of the supreme court; T'Vault, editor of the *Oregon Sentinel*; Avery, a prominent member of the legislature; Kelsay, an influential member of the constitutional convention; Judge Dickey Miller, a leading man in Marion county; Mr Soap and Mr Crisp, leading men in Yamhill; Judge Holmes and Mr Officer of Clackamas, and fifty others we might mention, who are all rabid "nigger" men—are not "prominent politicians."' *Or. Argus*, Sept. 5, 1857.

into Oregon to their utmost. That it was a dread of the free negro, quite as much as a sentiment against slavery, which governed the makers of the constitution and voters upon it, is made apparent by the first form of that instrument and the votes which decided its final form.

The constitutional convention assembled at the Salem court-house on the 17th of August, and made A. L. Lovejoy president pro tem.[18] On the following day M. P. Deady was chosen president of the convention, with N. C. Terry and M. C. Barkwell as secretaries.[19] The first resolution offered was by Applegate, that the discussion of slavery would be out of place; not adopted. The convention remained

[18] Members: Marion county, Geo. H. Williams, L. F. Grover, J. C. Peebles, Joseph Cox, Nicholas Shrum, Davis Shannon, Richard Miller; Linn, Delazon Smith, J. T. Brooks, Luther Elkins, J. H. Brattain, Jas Shields, Jr, R. S. Coyle; Lane, E. Hoult, W. W. Bristow, Jesse Cox, A. J. Campbell, †I. R. Moores, †Paul Brattain; Benton, John Kelsay, *H. C. Lewis, *H. B. Nichols, *William Matzger; Polk and Tillamook, A. D. Babcock; Polk, R. P. Boise, F. Waymire, Benj. F. Burch; Yamhill, *W. Olds, *R. V. Short, *R. C. Kinney, *J. R. McBride; Clackamas, J. K. Kelly, A. L. Lovejoy, ‡W. A. Starkweather, H. Campbell, Nathaniel Robbins; Washington and Multnomah, *Thos J. Dryer; Multnomah, S. J. McCormick, William H. Farrar, *David Logan; Washington, *E. D. Shattuck, *John S. White, *Levi Anderson; Wasco, C. R. Meigs; Clatsop, †Cyrus Olney; Columbia, *John W. Watts; Josephine, S. Hendershott, *W. H. Watkins; Jackson, L. J. C. Duncan, J. H. Reed, Daniel Newcomb, §P. P. Prim; Coos, *T. G. Lockhart; Curry, William H. Packwood; Umpqua, *Jesse Applegate, *Levi Scott; Douglas, M. P. Deady, S. F. Chadwick, Solomon Fitzhugh, Thomas Whitted. Those marked (*) were opposition; †, elected on opposition ticket, but claiming to be democrats, and understood to approve of the platform of the last territorial democratic convention; ‡, elected on the democratic ticket, but said to be opposed to the democratic organization; §, position not known. Lockhart's election was contested by P. B. Marple, who obtained his seat in the convention.

The nativity of the members is as follows: Applegate, Anderson, Bristow, Coyle, Fitzhugh, Kelsay, Moores, Shields, 8, Kentucky; Brattain of Linn, Prim, Shrum, White, Whitted, 5, Tennessee; Brattain of Lane, Logan, 2, North Carolina; Babcock, Dryer, Lewis, Olney, Smith, Williams, Watkins, 7, New York; Boise, Campbell of Clackamas, Lovejoy, Olds, 4, Massachusetts; Burch, Cox of Lane, McBride, Watts, 4, Missouri; Cox of Marion, Waymire, 2, Ohio; Crooks, Holt, Marple, Newcomb, Robbins, 5, Virginia; Campbell of Lane, Shannon, 2, Indiana; Chadwick, Meigs, Starkweather, Nichols, 4, Connecticut; Deady, Miller, 2, Maryland; Duncan, 1, Georgia; Elkins, Kelly, Peebles, Reed, Short, 5, Pennsylvania; Farrar, 1, New Hampshire; Grover, 1, Maine; Hendershott, Kinney, Packwood, Scott, 4, Illinois; Matzger, 1, Germany; McCormick, 1, Ireland; Shattuck, 1, Vermont.

[19] John Baker, sergeant-at-arms; another John Baker, door-keeper, the latter defeating a candidate whose name was Baker.

in session four weeks, and frequent references to the all-important topic were made without disturbing the general harmony of the proceedings. The debates on all subjects were conducted with fairness and deliberation. In order to avoid agitation, it was agreed to leave to the vote of the people the question of negroes, free or enslaved, a special provision being made for the addition of certain sections, to be inserted or rejected according to the vote upon them.[20]

The influence of the republican element on the work of the convention was small, except as recusants.[21] Most of the provisions were wise; most of them were politic if not all liberal. Its bill of rights, while it gave to white foreigners who might become residents the same privileges as native-born citizens, gave the legislature the power to restrain and regulate the immigration to the state of persons not qualified to become citizens of the United States; thus reserving to the future state the power, should there not be a majority in favor of excluding free negroes altogether, of restricting their numbers. The article on suffrage declared that no negro, Chinaman, nor mulatto should have the right to vote. Another section, somewhat tinged with prejudice, declared that no Chinaman who

[20] The sections reserved for a separate vote read as follows: 'Section —. Persons lawfully held as slaves in any state, territory, or district of the United States, under the laws thereof, may be brought into this state, and such slaves and their descendants may be held as slaves within this state, and shall not be emancipated without the consent of their owners.' 'Section —. There shall be neither slavery nor involuntary servitude in this state, otherwise than as a punishment for crime, whereof the party shall have been duly convicted.' 'Section —. No free negro or mulatto, not residing in this state at the time of the adoption of this constitution, shall ever come, reside, or be within this state, or hold any real estate, or make any contract, or maintain any suit therein; and the legislative assembly shall provide by penal laws for the removal by public officers of all such free negroes or mulattoes, and for their effectual exclusion from the state, and for the punishment of persons who shall bring them into the state or employ, or harbor them therein.' *Or. Statesman*, Sept. 29, 1857; *U. S. House Misc. Doc.*, 38, vol. i. p. 20–1, 35th cong. 1st sess.; *U. S. Sen. Misc. Doc.*, 226, vol. iii., 35th cong. 1st sess.; *Deady's Laws Or.*, 124–5; *Or. Laws*, 1857–8, 11–40.

[21] Grover, *Public Life in Or.*, MS., 76–7, says that among others Jesse Applegate, one of the most talented men in the country, was snubbed at every turn, until, when the draft of a constitution which he had prepared at home was peremptorily rejected, he deliberately took up his hat and walked out of the court-house.

should immigrate to the state after the adoption of the constitution should ever hold real estate or a mining claim, or work any mining claim therein, and that the legislature should enact laws for carrying out this restriction. These proscriptive clauses, however they may appear in later times, were in accordance with the popular sentiment on the Pacific coast and throughout a large portion of the United States; and it may be doubted whether the highest interests of any nation are not subserved by reserving to itself the right to reject an admixture with its population of any other people who are distasteful to it. However that may be, the founders of state government in Oregon were fully determined to indulge themselves in their prejudices against color, and the qualities which accompany the black and yellow skinned races.

Another peculiarity of the proposed constitution was the manner in which it defended the state against speculation and extravagance. The same party which felt no compunctions at wasting the money of the federal government was careful to fix low salaries for state offices,[22] to prevent banks being established under a state charter, to forbid the state to subscribe to any stock company or corporation, or to incur a debt in any manner to exceed fifty thousand dollars, except in case of war or to repel invasion; or any county to become liable for a sum greater than five thousand dollars.

These limitations may at a later period have hindered the progress of internal improvements, but at the time when they were enacted, were in consonance with the sentiment of the people, who were not by habit of a speculative disposition, and who were at that moment suffering from the unpaid expenses of a costly war, as well as from a long neglect of the principal resources of the country, which was a natural consequence of the war.

[22] The salaries of the governor and secretary were $1,500 each; of the treasurer, $800; of the supreme judges, $2,000. The salaries of other officers of the court were left to be fixed by law. *Deady's Laws Or.*, 120.

A clause of the constitution affecting the rights of married women, though it may have had its inception in the desire to place one half of the donation claim of each land owner beyond the reach of creditors, had all the air of being progressive in sentiment, and probably aided in the growth of that independence among women which is characteristic of the country.[23] The boundaries of the state were fixed as at present, except that they were made to include the Walla Walla Valley; providing, however, that congress might on the admission make the northern boundary conform to the act creating Washington Territory, which was done, to the disappointment of many who coveted that fair portion of the country. The question of the seat of government was disposed of by declaring that the legislature should not have power to establish it; but at the first regular session after the adoption of the constitution the legislative assembly should enact a law for submitting the matter to the choice of the people at the next general election; and no tax should be levied or money of the state expended for the erection of a state house before 1865; nor should the seat of government when established be removed for the term of twenty years, nor in any other manner than by the vote of the people; and all state institutions should be located at the capital.[24]

[23] The clause referred to is this: 'The property and pecuniary rights of every married woman, at the time of marriage or afterwards, acquired by gift, devise, or inheritance, shall not be subject to the debts or contracts of the husband; and laws shall be passed providing for the registration of the wife's separate property.' This feature of the constitution made the wife absolute owner of 320 acres or less, as the case might be, and saved the family of many an improvident man from ruin. The wife had, besides, under the laws, an equal share with the children in the husband's estate. The principal advocate of the property rights of married women was Fred Waymire, the 'old apostle of democracy,' who stoutly maintained that the wife had earned in Oregon an equal right to property with her husband. See *Or. Statesman*, Sept. 22, 1857.

[24] With regard to the school lands which had been or should be granted to the state, excepting the lands granted to aid in establishing a university, the proceeds, with all the money and clear proceeds of all property that might accrue to the state by escheat or forfeiture, all money paid as exemption from military duty, the proceeds of all gifts, devises, and bequests made by any person to the state for common-school purposes, the proceeds of all property granted to the state, the purposes of which grant had not been stated, all

It was ordered by the convention that, should the constitution be ratified by the people, an election should be held on the first Monday in June 1858 for choosing the first state assembly, a representative in congress, and state and county officers; and that the legislative assembly should convene at the capital on the first Monday of July following, and proceed to elect two senators in congress, making also such further provision as should be necessary to complete the organization of a state government. Meanwhile, the former order of things was not to be disturbed until in due course of time and opportunity the new conditions were established.

The 9th of November was fixed upon as the day

the proceeds of the 500,000 acres to which the state would be entitled by the provisions of the act of congress of September 4, 1841, and five per cent of the net proceeds of the sales of the public lands to which the state would be entitled—should congress not object to such appropriation of the two last-mentioned grants—should be set apart, with the interest accruing, as a separate and irreducible fund, for the support of common schools in each school district, and the purchase of suitable libraries and apparatus. *Zabriskie's Land Law*, 657–9, 659–63, 664–7. The governor for the first five years was declared superintendent of public instruction; but after five years the legislature might provide by law for the election of a state superintendent. The governor, secretary of state, and state treasurer were made to constitute a board of commissioners for the sale of school and university lands, and for the investment of the funds arising therefrom, with powers and duties to be prescribed by law. The university funds with the interest arising from their investment should remain unexpended for a period of ten years, unless congress should assent to their being diverted to common-school purposes, as had been requested. The act of congress admitting Oregon allowed the state to select lands in place of these 16th and 36th sections granted in previous acts, for school purposes, but which had in many cases been settled upon previous to the passage of the act making the grant. It also set apart 72 sections for the use and support of a state university, to be selected by the governor and approved by the commissioner of the general land office, to be appropriated and applied as the legislature of the state might prescribe, for that purpose, but for no other purpose. The act of admission by the grant of twelve salt springs, with six sections of land adjoining or contiguous to each, furnished another and important addition to the common-school fund, as under the constitution all gifts to the state whose purpose was not named were contributions to that fund. *Deady's Laws Or.*, 116–17. Congress did not listen to the prayer of the legislative assembly to take back the gift of the Oregon City claim and give them two townships somewhere else in place of it. Neither could they find any talent willing to undertake the legal contest with McLoughlin, who held possession up to the time of his death in September 1857, and his heirs after him. Finally, to be no more troubled with the unlucky donation, the legislative assembly of 1862 reconveyed it to McLoughlin's heirs, on condition that they should pay into the university fund the sum of $1,000, and interest thereon at ten per cent per annum forever.

when the people should decide at the polls upon the constitution and the questions accompanying it. The interval was filled with animated discussions upon slavery, on the rostrum and in the public prints; the pro-slavery papers being much more bitter against the constitution for not making Oregon a slave state than the opposition papers for neglecting to make it a free state. The latter gave the constitution little support; because, in the first place, it was well understood that the party which formed it was bent on admission, in order to retain in its own grasp the power which a change of administration might place in the hands of the free-soil party, under the territorial organization, as well as because they did not wholly approve the instrument. There was, as could only be expected, the usual partisan acrimony in the arguments on either side. Fortunately the time was short in which to carry on the contest. Short as it was, however, it developed more fully a style of political journalism which was not argument, but invective—a method not complimentary to the masses to be influenced, and really not furnishing a fair standard by which to judge the intelligence of the people.

The vote on the constitution resulted in a majority of 3,980 in favor of its adoption. There was a majority against slavery of 5,082; and against free negroes of 7,559. The counties which gave the largest vote in favor of slavery were Lane and Jackson. Douglas gave a majority of 29 for slavery, while only 23 votes were recorded in the county for free negroes. Indeed, the result of the election demonstrated the fact that the southern sentiment concerning the black race had emigated to Oregon along with her sturdy pioneers. Enslaved, the negro might be endured; free, they would have none of him. The whole number of votes polled was only about 10,400; 7,700 voted against slavery; 8,600 against free negroes; the remaining 1,000 or 1,100 were probably indif-

ferent, but being conscientious republicans, allowed the free negro to come or go like any other free man.[25]

The adoption of the constitution was a triumph for the regular democratic party, which expected to control the state. Whether or not congress would admit Oregon at the first session of 1857–8 was doubtful; another year might pass before the matter was determined. The affairs of the territory in the mean time must go on as usual, though they should be shaped as much as possible to meet the anticipated change.

The legislative assembly[26] met on the 17th of December, and on notifying the governor, received a message containing a historical review from the beginning. The governor approved the constitution, and congratulated the assembly on the flourishing condition of the country.

The legislature of 1857–8 labored under this disadvantage, not altogether new, of not knowing how to conform its proceedings to the will of the general government. Although not yet admitted to the union, a

[25] *Grover's Pub. Life*, MS., 53–5; *Or. Laws*, 1857–8, p. 41; *Or. Statesman*, Dec. 22, 1857; *Or. Argus*, Dec. 5, 1857.

[26] Members of the council: A. M. Berry, Jackson and Josephine; Hugh D. O'Bryant, Umpqua, Coos, Curry, and Douglas; *A. A. Smith, Lane and Benton; Charles Drain, Linn; *Nathaniel Ford, Polk and Tillamook; *Thomas Scott, Yamhill and Clatsop; Edward Sheil, Marion; A. E. Wait, Clackamas and Wasco; *Thomas R. Cornelius, Washington, Multnomah, and Columbia. President of council, H. D. O'Bryant; clerk, Thomas B. Micou; assistant clerk, William White; enrolling clerk, George A. Eades; sergeant-at-arms, Robert Shortess; door-keeper, William A. Wright.

Members of the house of representatives: George Able, E. C. Cooley, J. Woodsides, Marion; Anderson Cox, N. H. Cranor, H. M. Brown, Linn; Ira F. M. Butler, Polk; Benjamin Hayden, Polk and Tillamook; *Reuben C. Hill, *James H. Slater, Benton; *A. J. Shuck, *William Allen, Yamhill; *H. V. V. Johnson, Washington; *Thomas J. Dryer, Washington and Multnomah; *William M. King, Multnomah; *Joseph Jeffries, Clatsop; *F. M. Warren, Columbia; N. H. Gates, Wasco; S. P. Gilliland, F. A. Collard, George Rees, Clackamas; J. W. Mack, John Whitaker, Lane; *James Cole, Umpqua; A. A. Matthews, Douglas; Kirkpatrick, Coos and Curry; H. H. Brown, William H. Hughes, Jackson; R. S. Belknap, Jackson and Josephine; J. G. Spear, Josephine. Speaker of the house, Ira F. M. Butler; clerk, Charles B. Hand; assistant clerk, N. T. Caton; enrolling clerk, George L. Russell; sergeant-at-arms, J. B. Sykes; door-keeper, J. Henry Brown. *Or. Laws*, 1857–8, p. 9–10. * Opposition.

portion of the members were in favor of regarding their assembly as a state body, and framing their acts accordingly. Others thought that endless discussions would arise as to the authority of the constitution before its approval by congress, and were for making only such local laws as were required. Great efforts were made to keep the subject of slavery in the background, lest by the divisions of the democratic party on that issue, the democratic majority at the first state election should be lessened or endangered. After some miscellaneous business, and the election of territorial officers,[27] the assembly adjourned December 19th to meet again on the 5th of January. On the day of the adjournment the democratic central committee held a meeting to arrange for a state convention, at which to nominate for the June election in 1858.

At the election of 1858 there were three parties in the field, Oregon democrats, national democrats,[28] and republicans.[29] The national faction could not get beyond a protest against tyranny. It nominated J. K. Kelly for representative in congress, and E. M. Barnum for governor.[30] The republicans nominated an entire ticket, with John R. McBride for congressman and John Denny for governor. Feeling that

[27] Most of the old officers were continued; Joseph Sloan was elected superintendent of the penitentiary. *Or. Statesman*, Dec. 22, 1857.

[28] The nationals were the few too independent to submit to leaders instead of the people. Their principal men were William M. King, Nathaniel Ford, Thomas Scott, Felix A. Collard, Andrew Shuck, George Rees, James H. Slater, William Allen, and S. P. Gilliland.

[29] The platform of the republican party distinctly avowed its opposition to slavery, which it regarded as a merely local institution, one which the founders of the republic deprecated, and for the abolition of which they made provisions in the constitution. It declared the Kansas troubles to be caused by a departure from the organic act of 1787, for the government of all the territory then belonging to the republic, and which had been adhered to until 1854, since which a democratic administration had endeavored to force upon the people of Kansas a constitution abhorrent to their feelings, and to sustain in power a usurping and tyrannical minority—an outrage not to be borne by a free people. It called the Dred Scott decision a disgrace, and denounced the democratic party generally. *Or. Argus*, April 10, 1858.

[30] The remainder of the ticket was E. A. Rice for secretary; J. L. Bromley, treasurer; James O'Meara, state printer.

the youth and inexperience of their candidate for congress could not hope to win against the two democratic candidates, the republicans, with the consent of McBride, voted for Kelly, whom they liked, and whom they hoped not only to elect, but to bring over to their party.[31]

Meanwhile, though Kelly ran well, the thorough organization of the democratic party secured it the usual victory; Grover was elected state representative to congress; John Whiteaker, governor; Lucien Heath, secretary; J. D. Boon, treasurer; Asahel Bush, state printer; Deady, Stratton, Boisé, and Wait, judges of the supreme court; A. C. Gibbs, H. Jackson, D. W. Douthitt, and B. Hayden, attorneys for the 1st, 3d, 4th, and 5th districts. The only republican elected for a state office was Mitchell, candidate for prosecuting attorney in the 2d district.[32] The state

[31] The remainder of the republican ticket was Leander Holmes, secretary; E. L. Applegate, treasurer; D. W. Craig, state printer; C. Barrett, judge of the 1st district, John Kelsay of the 2d, J. B. Condon of the 3d, and Amory Holbrook of the 4th; prosecuting attorneys, in the same order, beginning with the 2d district, M. W. Mitchell, George L. Woods, W. G. Langford, and Brennan. It was advocated in secret caucus to send to California for E. D. Baker to conduct the canvass, and speak against the array of democratic talent. The plan was not carried out, but home talent was put to use. In this campaign E. L. Applegate, son of Lindsey and nephew of Jesse Applegate, first made known his oratorical abilities. His uncle used to say of him that he got his education by reading the stray leaves of books torn up and thrown away on the road to Oregon. He was however provided with that general knowledge which in ordinary life passes unchallenged for education, and which, spread over the surface of a campaign speech, is often as effective as greater erudition. Another who began his public speaking with the formation of the republican party in Oregon was George L. Woods. His subsequent success in public life is the best evidence of his abilities. He was cousin to John R. McBride, the candidate for congress. Both were friends and neighbors of W. L. Adams, and the three, with their immediate circle of relatives and friends, carried considerable weight into the republican ranks. Woods was born in Boone co., Mo., July 30, 1832, and came to Oregon with his father, Caleb Woods, in 1847. The family settled in Yamhill co. In 1853 he married his cousin Louisa A. McBride; their children being two sons. Woods was self-educated; reading law between the labors of the farm and carpenter's bench. His career as a politician will appear in the course of this history.

[32] The office of state printer, so long held by Bush, was only gained by 400 majority—the lowest of any. It was not Craig, however, who divided the votes with him so successfully, but James O'Meara, the candidate of the national democrats, who came from California to Oregon in 1857. In the spring of 1858 O'Meara succeeded Alonzo Leland as editor of the *Democratic Standard*.

legislature consisted of twenty-nine democrats and five republicans in the lower house, and twelve democrats and four republicans in the senate.[33] According to the constitution, the first state legislature was required to meet on the first Monday in July 1858, and proceed to elect two senators to congress, and make such other provision as was necessary to complete the organization of a state government. In compliance with this requirement, the newly elected legislature met on the 5th of July, and chose Joseph Lane and Delazon Smith United States senators.[34] On the 8th the inauguration of Governor Whiteaker took place, Judge Boisé administering the oath.[35] Little business was transacted of a legislative nature. A tax of two

[33] Senate: Marion county, J. W. Grim, E. F. Colby; Yamhill, J. Lamson; Clackamas and Wasco, J. S. Ruckle; Polk, F. Waymire; Linn, Luther Elkins, Charles Drain; Lane, W. W. Bristow, A. B. Florence; Umpqua, Coos, and Curry, D. H. Wells; Jackson, A. M. Berry; Josephine, S. R. Scott; Washington, Columbia, Clatsop, and Tillamook, *T. R. Cornelius; Multnomah, *J. A. Williams; Benton, *John S. McIteeney; Douglas, *J. F. Gazley. House: Clatsop and Tillamook, R. W. Morrison; Columbia and Washington, Nelson Hoyt; Multnomah, A. D. Shelby, *T. J. Dryer; Clackamas, A. F. Hedges, B. Jennings, D. B. Hannah; Wasco, Victor Trevitt; Polk, B. F. Burch, J. K. Wait; Marion, B. F. Harding, B. F. Bonham, J. H. Stevens, J. H. Lassater; Linn, N. H. Cranor, E. E. McIninch, T. T. Thomas, John T. Crooks; Lane, R. B. Cochran, A. S. Patterson, A. J. Cruzan; Umpqua, J. M. Cozad; Douglas, Thomas Norris, *A. J. McGee; Coos and Curry, William Tichenor; Jackson, Daniel Newcomb, W. G. T'Vault, *J. W. Cully; Josephine, D. H. Holton; Washington, *Wilson Bowlby; Yamhill, *A. Shuck, J. C. Nelson (resigned); Benton, J. H. Slater, H. B. Nichols. Luther Elkins was chosen president of the senate and W. G. T'Vault speaker of the house. * Republicans.

[34] Lane wrote from Washington, May 18, 1858, soliciting the nomination, and promising to do much if elected; declaring, however, that he did not wish a seat in the senate at the expense of harmony in the democratic party. He added a postscript to clinch the nail. 'Dear Bush—The bill for the admission of Oregon has this moment passed the senate, 35 to 17. All right in the house. Your friend, Lane.' *Or. Statesman*, June 29, 1858. Notwithstanding the promises contained in this letter, and the bait held out by addendum, Lane made no effort to get the bill through the house at that session. He wished to secure the senatorship, but he was not anxious to have Oregon admitted until the time was ripe for the furtherance of a scheme of the democratic party, into which the democrats of Oregon were not yet admitted.

[35] John Whiteaker was born in Dearborn co., Ind., in 1820. He came to the Pacific coast in 1849, and to Oregon in 1852. *San José Pioneer*, Dec. 21, 1878. His early life was spent on a farm in his native state. At the age of 25 he married Miss N. J. Hargrove, of Ill., and on the discovery of gold in Cal. came hither, returning to Ill. in 1851 and bringing his family to Oregon. He settled in Lane county in 1852, where he was elected county judge. He was a member of the legislature of 1857. *Representative Men of Oregon*, 178.

mills on a dollar was levied to defray current expenses; and an act passed to regulate the practice of the courts; and an act appointing times for holding courts for the year 1858.[36] These laws were not to take effect until the state was admitted into the Union.

Four weeks of suspense passed by, and it became certain that Oregon had not been admitted. The war debt had made no advancement toward being paid. The records of congress showed no effort on the part of Lane to urge either of these measures, neither did he offer any explanation; and it began to be said that he was purposely delaying the admission of Oregon until the next session in order to draw mileage as both delegate and senator. It was also predicted that there would be difficulty in procuring the admission at the next session, as congress would then be disposed to insist on the rule recently established requiring a population of 93,000 to give the state a representative; but it was hinted that if the senators and representative elect should be on the ground at the convening of congress, there would still be hope.

[36] This was in reference to a law of congress passed in Aug. 1856, that the judges of the supreme court in each of the territories should fix the time and places of holding courts in their respective districts, and the duration thereof; providing, also, that the courts should not be held in more than three places in any one territory, and that they should adjourn whenever in the opinion of the judges their further continuance was unnecessary. This was repaying Oregon for her course toward the federal judges, and was held to work a hardship in several ways. Lane was censured for allowing the act to pass without a challenge. However, to adjust matters to the new rule, the legislature of 1856-7 passed an act rearranging the practice of the courts, and a plaintiff might bring an action in any court most convenient; witnesses not to be summoned to the district courts except in admiralty, divorce, and chancery, or special cases arising under laws of the U. S.; but the district courts should have cognizance of offences against the laws of the territory in bailable cases; and should constitute courts of appeal—the operation of the law being to place the principal judicial business of the territory in the county courts. *Or. Laws*, 1856-7, p. 17-23. Another act was passed requiring a single term of the supreme court to be held at Salem on the 6th of Aug., 1857, and on the first Monday in Aug. annually thereafter; and repealing all former acts appointing terms of the supreme court. The object of this act was to put off the meeting of the judges at the capital until after the admission of Oregon, thus rendering inoperative the law of congress—as Smith explained to the legislature at the time of its passage. But it happened that Oregon was not admitted in 1857, which failure left the U. S. courts in suspense as to how to proceed; hence the action of this legislature.

Acting upon this suggestion, Grover and Smith set out for the national capital about the last of September, to hasten, if possible, the desired event.[37] At this trying juncture of affairs, Lane gave advice, which the *Statesman* had the good sense to discountenance, that the state, having been organized, should go on as a state, without waiting for the authority of congress. He was afterward accused of having done this with a sinister motive, to bring Oregon into the position of a state out of the union.

It was determined not to hold the September term of the state legislature, which might bring nothing but debt. A few of the members went to Salem at the time appointed, but they adjourned after an informal meeting. It now became certain that there must be a session of the territorial assembly at the usual time in December and January, as the territorial government must go on during the suspension of the state government. Accordingly, on the 6th of December, the members of the territorial legislature, who had been elected at the same time with the state legislature to provide against the present contingency, assembled at Salem and proceeded to the usual business.[38]

[37] *Grover's Pub. Life*, MS., 71.

[38] Council: Jackson and Josephine, A. M. Berry; Umpqua, Coos, Curry, and Douglas, Hugh D. O'Bryant; Lane and Benton, James W. Mack; Linn, Charles Drain; Polk and Tillamook, *N. Ford; Yamhill and Clatsop, George H. Steward; Marion, Samuel Parker; Clackamas and Wasco, A. E. Wait; Washington, Multomah, and Columbia, *Thos R. Cornelius. House: Marion, B. F. Bonham, J. H. Stevens, J. H. Lassater; Linn, N. H. Cranor, E. E. McIninch, John T. Crooks; Polk, Isaac Smith; Polk and Tillamook, H. N. V. Holmes; Benton, *James H. Slater, *H. B. Nichols; Yamhill, A. Zieber, J. H. Smith; Washington, *Wilson Bowlby; Washington and Multnomah, *E. D. Shattuck; Multnomah, *T. J. Dryer; Clatsop, *W. W. Parker; Columbia, W. R. Strong; Wasco, N. H. Gates; Clackamas, A. F. Hedges, D. B. Hannah, B. Jennings; Lane, W. W. Chapman, W. S. Jones; Umpqua, *James Cole; Douglas, *A. E. McGee; Coos and Curry, William Tichenor; Jackson, W. G. T'Vault, S. Watson; Jackson and Josephine, D. Newcomb; Josephine, D. S. Holton. Officers of council: Charles Drain, president; N. Huber, clerk; W. L. White, assistant clerk; H. H. Howard, enrolling clerk; D. S. Herren, sergeant-at-arms; James L. Steward, door-keeper. Officers of the house of representatives: N. H. Gates, speaker; James M. Pyle, clerk; H. W. Allen, assistant clerk; J. D. Porter, enrolling clerk; E. C. McClane, sergeant-at-arms; Joseph H. Brown, door-keeper. *Or. Laws*, 1858-9, 7-9. *Republican.

Governor Curry's message indicated the Lane influence. It contained some remarks on what the *Statesman* called the anomaly of a territorial government, and urged that the territorial system was unconstitutional, wrong in principle, and not in harmony with the spirit of American institutions. He declared there was no provision of the constitution which conferred the right to acquire territory, to be retained as territory and governed by congress with absolute authority; nor could the people of the United States who chose to go out and reside upon the vacant tertory of the nation, be made to yield a ready obedience to whatever laws congress might deem best for their government, or to pay implicit deference to the authority of such officers as were sent out to rule over them. No such power, according to Governor Curry's view, had ever been delegated to the government by the sovereign people of the sovereign states, who alone could confer it; and the only authority of congress over the territories was that derived from a clause in the constitution intended simply to transfer to the new government the property held in common by the original thirteen states, together with the power to apply it to objects mutually agreed upon by the states before their league was dissolved. The power of enlarging the limits of the United States was by admitting new states, and by that means only. It was contended that California, which had no territorial existence, came into the union more legitimately than Oregon would do, because Oregon had submitted itself to the authority of the general government. This and more was declared, in a clear and argumentative style, very attractive if not convincing. The *Statesman* recommended it to the perusal of its readers, at the same time declining to discuss the question. This was only another indication of the tendencies of the democratic party in Oregon, as elsewhere. Curry's whole argument was an attack on the validity of the ordinance of 1787, to which the

founders of the provisional government had tenaciously clung, and a contradiction of the spirit of all the petitions and memorials of their legislatures from the beginning to the then present time. He lost sight of the fact that the states were not such in the old-world sense of the term, but parts of a compound state or national confederacy; and as such subject to some general regulations which they were bound to obey. The doctrine that a body of the people could go out and seize upon any portion of the territory belonging to the whole union, and establish such a government as pleased them without the consent of the nation, was not in accordance with any known system of national polity. The object of introducing this subject in an executive message under the existing peculiar political condition of Oregon, and at a time when his connection with territorial affairs was merely incidental, must ever remain open to suspicion. It was fortunate, with leading officials capable of such reasoning, that the people had already voted upon and decided for themselves the question which lay at the bottom of the matter, not upon constitutional grounds, but upon the ground of expediency.

Little was done at this session of the legislative assembly beyond amending a few previous acts, and passing a number of special laws incorporating mining improvements in the southern counties, and other companies for various purposes in all parts of Oregon. Less than the usual number of memorials were addressed to congress. An appropriation of $30,000 was asked to build a military road from some point of intersection on the Scottsburg road, to Fort Boisé; it being represented that such a highway would be of great value in moving troops between forts Umpqua and Boisé, and of great importance to the whole southern and western portion of Oregon. A tri-weekly mail, by stages between Portland and Yreka, was petitioned

for;[39] and the Oregon delegate was instructed to ask for land offices to be opened at Jacksonville and The Dalles, for the survey of a portion of eastern Oregon, and for the establishment of an Indian agency and

[39] The Pacific Mail Steamship Company procured the removal of the distributing office for Oregon from Astoria to San Francisco about 1853, as I have before mentioned, causing confusion and delay in the receipt of mails, the clerks in San Francisco being ignorant of the geography of Oregon, and the system being obnoxious for other reasons. A mail arrived after the ordinary delay at Oregon City, Dec. 21st, and lay there until Jan. 1st, with no one to attend to forwarding the mail-bags to their proper destinations up the valley. Such was the state of things in 1856. The legislature petitioned and remonstrated. In 1857, when Lane was in Oregon and was re-elected to congress, he gave as a reason for not having secured a better mail service that the republicans had a majority in congress, when this same republican congress had appropriated $500,000 for an overland mail to California, which was intended to operate as an opening wedge to the Pacific railroad; but the democrats, by way of favoring the south, succeeded in establishing the overland mail route by the way of El Paso in Mexico. A contract was concluded about the same time with the P. M. S. S. Co. for carrying mails between Panamá and Astoria, for $248,250 per annum, and the service by sea was somewhat improved, although still very imperfect. In the mean time the overland mail to California was established, the first coach leaving St Louis Feb. 16, 1858. It was some months before it was established, the second arriving at San Francisco in October, and the first from San Francisco arriving at Jefferson, Missouri, Oct. 9th, with six passengers, in 23 days 4 hours. This was quicker time than the steamers made, and being more frequently repeated was a great gain in communication with the east for California, and indirectly benefited Oregon, though Oregon could still only get letters twice a month.

Before 1857 there was no line of passenger coaches anywhere in Oregon. One Concord coach owned by Charles Rae was the only stage in the Willamette from 1853 to 1855. A stage line from Portland to Salem was put on the road in 1857, making the journey, 50 miles, in one day. In 1859, a mail and passenger coach ran once a week from Salem to Eugene, and from Eugene to Jacksonville. Weekly and semi-weekly mails had been carried to the towns on the west side of the valley, Hillsboro, Lafayette, Dallas, and Corvallis; but the post-office department in 1860 ordered this service to be reduced to a bi-monthly one, and that the mail should be carried but once a week to Jacksonville and the towns on the way. 'If Lane keeps on helping us,' said the *Argus*, 'we shall soon have a monthly mail carried on foot or in a canoe.' On the other hand, the people were clamoring for a daily mail from Portland to Jacksonville, with little prospect of getting it until the California Stage Company interposed with a proposition to the postal department to carry the mail daily overland to Oregon. This company, formed in 1853 by the consolidation of the various stage lines in California, had a capital stock of $1,000,000 to begin with, including 750 horses and covering 450 miles of road. James Birch, president, was the first advocate in Washington of the overland mail to the east, and by his persistence it was secured. In 1859–60 the vice-president, F. L. Stevens, urged upon the department the importance of a daily mail line overland from S. F. to Portland, and succeeded in gaining his point and the contract. In June 1860 the California company placed its stock on the road as far north as Oakland, connecting there with Chase's line to Corvallis, which again connected with the Oregon Stage Company's line to Portland, making a through line to Sacramento in October. It required a considerable outlay to put the road in repair for making regular time, and at the best, winter travel was often interrupted or delayed. Then came the great flood of 1861–2, which carried away almost all the bridges on

military post in the Klamath Lake country.[40] On the 22d of January the legislative assembly adjourned without having learned whether its acts were invalid, or the state still out of the union; but not without having elected the usual list of territorial officers.[41]

the line, and damaged the road to such an extent that for months no mails were carried over it. But nothing long interrupted the enterprises of the company. In due course travel was resumed, and in 1865 their coaches ran 400 miles into Oregon. This year the company demanded $50,000 additional for this service, which was refused, and in 1866 they sold their line to Frank Stevens and Louis McLane, who soon re-sold it to H. W. Corbett, R. Corbett, William Hall, A. O. Thomas, and Jesse D. Carr, and it was operated until 1869 under the name of H. W. Corbett & Co. Carr then purchased the stock, and carried the mail until 1870, when the Cal. and Or. Coast Overland Mail co. obtained the contract, and bought Carr's stock. They were running in 1881, since which period the railroad to Oregon has been completed, and carries the mail.

The first daily overland mail from St Joseph, Missouri, to Sacramento arrived at that place July 18, 1861, in 17 days 4 hours, having lost but 40 hours running time. One passenger, Thomas Miller, came directly through to Oregon—the longest trip by coach ever made. In consequence of the civil war, the southern route was abandoned, and the central route by Salt Lake established, the precursor of the railroad. Indians and highwaymen caused its discontinuance in 1862, and the government accepted the services of a regiment of infantry and 5 companies of cavalry to protect it between Salt Lake and California, while the 6th Ohio cavalry kept watch on the plains east of Salt Lake.

Contemporary with the daily overland mail was the Pony Express, a device for shortening the time of important mail matter. W. H. Russell of Missouri was the founder, and ran his ponies from the Missouri to Salt Lake, connecting with the ponies of the overland mail from there westward. The time made was an average of 8 days, or half the time of the coaches. In Nov. 1861, the telegraph line from the Missouri to the bay of San Francisco was completed, though the pony express continued for some time afterward. By the aid of telegraph and daily mail, Oregon obtained New York news in 4 days, until in 1864 a telegraph line from Portland to Sacramento had finally done away with space, and the long year of waiting known to the pioneers was reduced to a few hours.

[40] There was a clause in the constitution which prohibited the legislature from granting divorces, which prohibition on becoming known stimulated in a remarkable manner the desire for freedom from marital bondage. Thirty-one divorces were granted at this session of the territorial legislature, which would be void should it be found that congress had admitted Oregon. Fortunately for the liberated applicants, the admission was delayed long enough to legalize these enactments. It was said that as many more applications were received. The churches were shocked. The methodist conference declared that marriage could be dissolved only by a violation of the seventh commandment. The congregationalists drew the lines still closer, and included the slavery question. *Or. Argus*, July 28, 1860; *Or. Statesman*, Sept. 20, 1859.

[41] D. Newcomb was chosen brigadier-general; George H. Steward quartermaster-general; A. L. Lovejoy commissary-general; D. S. Holton surgeon-general; J. D. Boon treasurer; B. F. Bonham auditor and librarian. The expense of the territorial government for 1858 was $18,034.70. To pay the expenses of the constitutional convention a tax of 1¾ mills was levied on all taxable property. *Or. Laws*, 1858–9, 40.

Before the adjournment, letters began to arrive from Grover and Smith relative to the prospects of Oregon for admission. They wrote that republicans in congress opposed the measure because the constitution debarred free negroes from emigrating thither, as well as because the population was insufficient, and that an enabling act had not been passed. These objections had indeed been raised; but the real ground of republican opposition was the fact that congress had refused to admit Kansas with a population less than enough to entitle her to a representative in the lower house, unless she would consent to come in as a slave state; and now it was proposed to admit Oregon with not more than half the required population,[42] and excluding slavery. The distinction was invidious. The democrats in congress desired the admission because it would, on the eve of a presidential election, give them two senators and one representative. For the same reason the republicans could not be expected to desire it. Why Lane did not labor for it was a question which puzzled his constituents; but it was evident that he was playing fast and loose with his party in Oregon, whom he had used for his own aggrandizement, and whom now he did not admit to his confidence. The hue and cry of politicians now began to assail him. The idol of Oregon democracy was clay![43]

[42] In 1856, when the subject was before congress, Lane said he believed the territory could poll 15,000 or 20,000 votes. It had been stated in the house, by the chairman of the committee on territories, on the 31st of Jan. 1857, that Oregon had a population of about 90,000. *Cong. Globe*, xxxiv. 520. But the Kansas affair had made members critical, and it was well known besides that this was double the real number of white inhabitants. *Gilfrey's Or.*, MS., 17–18; *Deady's Hist. Or.*, MS., 39. The population of Oregon in 1858 according to the territorial census was 42,677. The U. S. census in 1860 made it 52,416.

[43] In the ten years since the territory had first sent a delegate to congress, and during which at every session its legislature had freely made demands which had been frequently responded to, the interest of congress in the Oregon territory had declined. Then came the allegations made by the highest military authority on the Pacific coast that the people of Oregon were an organized army of Indian-murderers and government robbers, in support of which assertion was the enormous account against the nation, of nearly six million dollars, the payment of which was opposed by almost the entire press of the union. It is doubtful if any man could have successfully contended against

At last, amidst the multitude of oppugnant issues and factions, of the contending claims to life and liberty of men—white, red, copper-colored, and black—of the schemings of parties, and the fierce quarrels of politicians, democrats, national and sectional, whigs, know-nothings, and republicans, Oregon is enthroned a sovereign state!

While all this agitation was going on over the non-admission of Oregon, toward the close of March news came that the house had passed the senate bill without any of the amendments with which the friends of Kansas had encumbered it, few republicans voting for it, and the majority being but eleven.[44] Thus Oregon, which had ever been the bantling of the democratic party, was seemingly brought into the union by it, as according to fitness it should have been; although without the help of certain republicans, who did not wish to punish the waiting state for the principles of a party, it would have remained out indefinitely.[45] The admission took place on Saturday, Feb-

the suspicion thus created, that the demands of Oregon were in other instances unnecessary and unjust. But Lane thought that Oregon's necessity was his opportunity, and that by promising the accomplishment of a doubtful matter he should secure at least his personal ends. Nor was he alone in this determination. Stephens of Georgia, a personal friend of Lane, who was chairman of the committee on territories, was generally believed to be withholding the report on the bill for the admission of Oregon, in obedience to instructions from Lane. Smith and Grover also appeared to be won over, and were found defending the course of the delegate. These dissensions in the party were premonitory of the disruption which was to follow.

[44] *Cong. Globe*, 1858–9, pt i. 1011, 35th cong. 2d sess.; *Id.*, pt ii. ap. 330; *S. F. Bulletin*, March 10, 1859; *Deady's Laws Or.*, 101–4; *Poore's Charters and Constitutions of U. S.*, pt ii., 1485–91, 1507–8; *Or. Laws*, 1860, 28–30; *U. S. Pub. Laws*, 333–4, 35th cong. 2d sess.

[45] Schuyler Colfax, in a letter to W. C. Johnson of Oregon City, made this explanation: 'The president in his message demanded that the offensive restriction against Kansas should be maintained, prohibiting her admission till she had 93,000 inhabitants, because she rejected a slave constitution, while Oregon, with her Lecompton delegation, should be admitted forthwith. And the chief of your delegation, Gen. Lane, was one of the men who had used all his personal influence in favor of that political iniquity, the Lecompton constitution, and its equally worthy successor, the English bill. He, of course, refused now to say whether he would vote in the U. S. senate, if admitted there, to repeal the English prohibition which he had so earnestly labored to impose on Kansas; and its political friends in the house refused also to assent to its repeal in any manner or form whatever. This, of course, impelled many republicans to insist that Oregon, with her Lecompton delegation, should wait for admission till Kansas, with her republican delegation, was ready to

ruary 12, 1859; the bill was approved by the president on Monday, the 14th, on which day Lane and Smith presented their credentials to the senate, and were sworn in. On drawing for their terms, Lane with his usual good luck drew the term ending in 1861, while Smith's would expire the following month. On the 15th Grover took his seat in the house, to which he would be entitled only until the 3d of March.

The satisfaction which the friends of state government expected to derive from admission to the union was much dulled by delay and the circumstances attending it. Party leaders had taught the people to believe that when Oregon became a state the war debt would be paid.[46] The same leaders now declared that after all they had gained little or nothing by it, and were forced to solace themselves with pleasant messages from the western states, from which had gone forth the annual trains of men and means by which Oregon had been erected into an independent commonwealth.[47] She had at all events come into the union respectably, and had no enemies either north or south.

come in with her. With a less obnoxious delegation from Oregon, the votes of many republicans would have been different. As it turned out, however, the very men for whose interests Gen. Lane had labored so earnestly—I mean the ultra-southern leaders—refused to vote for the admission bill, although they had the whole delegation elect of their own kidney. And it would have been defeated but for the votes of fifteen of us republicans who thought it better to disinthrall Oregon from presidential sovereignty, and from the sphere of Dred Scott decisions; and even in spite of your obnoxious delegation, to admit the new state into the union, rather than remand it to the condition of a slave-holding territory, as our supreme court declares all our territories to be. Hence, if there is any question raised about which party admitted Oregon, you can truthfully say that she would not have been admitted but for republican aid and support; republicans, too, who voted for it not through the influence of Gen. Lane and Co., but in spite of the disfavor with which they regarded them.' *Or. Argus*, May 28, 1859; See *U. S. H. Rept*, 123, vol. i., 35th cong. 2d sess.

[46] See comments of *Boston Journal*, in *Or. Argus*, Sept. 24, 1859.

[47] Kansas City, Missouri, on the 4th of July, 1859, attached the new star representing Oregon to its flag amidst a display of enthusiasm and self-aggrandizement.

CHAPTER XVIII.

POLITICS AND PATRIOTISM.

1859-1861.

APPOINTMENT OF OFFICERS OF THE UNITED STATES COURT—EXTRA SESSION OF THE LEGISLATURE—ACTS AND REPORTS—STATE SEAL—DELAZON SMITH—REPUBLICAN CONVENTION—NOMINATIONS AND ELECTIONS—RUPTURE IN THE DEMOCRATIC PARTY—SHEIL ELECTED TO CONGRESS—SCHEME OF A PACIFIC REPUBLIC—LEGISLATIVE SESSION OF 1860—NESMITH AND BAKER ELECTED U. S. SENATORS—INFLUENCE OF SOUTHERN SECESSION—THAYER ELECTED TO CONGRESS—LANE'S DISLOYALTY—GOVERNOR WHITEAKER—STARK, U. S. SENATOR—OREGON IN THE WAR—NEW OFFICIALS.

THE act of congress extending the laws and judicial system of the United States over Oregon, which passed March 3, 1859,[1] provided for one United States judge, at a salary of twenty-five hundred dollars per annum, Matthew P. Deady being chosen to fill this office.[2] Late in 1858 Williams had been appointed chief justice of the territory, with Boisé associate justice, and Walter Forward[3] of Marion county United States marshal, McCracken having resigned. On the 20th of May the judges elect of the supreme and circuit courts

[1] *U. S. Pub. Laws*, 437, 35th cong. 2d sess.

[2] Grover says that Hendricks of Indiana, who was then commissioner of the general land office, and was afterward U. S. senator for 6 years, and a candidate for the vice-presidency, was among the applicants for the place, and personally his preference, but that the Oregon people were opposed to imported officers, and hence he recommended Deady. *Pub. Life in Or.*, MS., 57. It was said at the time that Lane made the recommendation to keep Deady out of his way in future elections. However that might be, the appointment was satisfactory, and Judge Deady has done much to support the dignity of the state, and to promote the growth of moral and social institutions.

[3] He was a nephew of Walter Forward of Penn. and of Jeremiah Black U. S. atty-gen. *Amer. Almanac*, 1857-9; *Or. Statesman*, Dec. 21, 1858.

met at Salem to draw lots for their terms of office, Boisé and Stratton getting the six years and Wait the four years term, which made him, as holder of the shorter term, by the provisions of the constitution, chief justice. The vacancy created by Deady's appointment was filled by P. P. Prim of Jackson county.[4] Andrew J. Thayer was appointed United States district attorney in place of W. H. Farrar, and Forward continued in the office of marshal until September, when Dolph B. Hannah was appointed in his place. Joseph G. Wilson received the position of clerk of the supreme court,[5] and J. K. Kelly was made attorney for the United States.

The supreme judges not being able to determine whether their decisions would be valid under the act passed by the state legislature before the admission of Oregon, Governor Whiteaker convened the legislature on the 16th of May, which proceeded to complete the state organization and regulate its judiciary. Among the acts passed was one accepting certain propositions made by congress in the bill of admission. By this bill, in addition to the munificent dowry of lands for school and university purposes, the state received ten entire sections of land to aid in completing the public buildings, all the salt springs in the state, not exceeding twelve in number, with six sections of land adjoining each, with five per cent of the net proceeds of the sales of all public lands lying within the state to be applied to internal improvements; in return for which the state agreed that non-residents should not be taxed higher than residents, and the property of the United States not at all; nor should the state in any way interfere with the primary disposal of the soil by the United States, or with any regulations which congress might find necessary for

[4] *Prim's Judicial Affairs*, MS., 11; *Ashland Tidings*, June 7, 1878. The district court held its sessions in the methodist church in Jacksonville. *Or. Argus*, Nov. 22, 1856; *Overland Monthly*, xiv. 377–81.

[5] *Or. Reports*, ii. 8–9. Deady made him special U. S. attorney in the spring of 1860.

securing title in the soil to bona fide purchasers.[6] A few acts, general and special, were passed,[7] among others, one providing for the seal of the state of Oregon,[8] and one for a special election to be held on the 27th of June for the choice of a representative to congress, after which the legislature adjourned.

One thing they had failed to do, its omission being significant—they had not elected Delazon Smith to return to the United States senate. Rather than do that, they preferred to leave his place vacant, which they did, Smith having shown himself while in Washington not only an adherent of Lane, dethroned, but a man altogether of whom even his party was ashamed.[9]

Of their representative Grover, there was much to be said in his praise. His speeches were impressive, full of condensed facts, and he conducted himself in such a way generally as to command respect. It was said that there was more culture and ability in the one representative than in the two senators. But it was not upon fitness, but party requirements, that he had been elected; and before he had returned to offer himself for reëlection, new issues had arisen, and another man had been nominated in his place. Thus both of the men, prime favorites of the democratic party in Oregon, returned to the new state after less than one month of congressional honors, to find that their gains were only pecuniary.[10]

[6] *Gen. Laws Or.*, 1859, 29–30.

[7] An act providing for the election of presidential electors, and to prescribe their duties. An act providing for the registration of the property of married women, according to the constitution. An act providing for the leasing of the penitentiary. An act raising the state tax to two mills on a dollar, etc.

[8] "The description of the seal of the state of Oregon shall be an escutcheon supported by thirty-three stars divided by an ordinary, with the inscription "The Union."' In chief—mountains, an elk with branching antlers, a wagon, the Pacific ocean, on which is a British man-of-war departing and an American steamer arriving. The second quartering with a sheaf, plough and pick-axe. Crest, the American eagle. Legend, State of Oregon. *Deady's Laws Or.*, 496–7.

[9] They used to call him Delusion Smith.

[10] The men put in nomination at the democratic convention in April were W. W. Chapman, George L. Curry, George H. Williams, L. F. Grover, and Lansing Stout. The contest was between Stout and Grover, and Stout received 7 more votes in convention than Grover. Lansing Stout, lawyer,

On the 21st of April the republicans met in convention and brought out their platform; which was, in brief, devotion to the union, and the right of independent action in the states, subject only to the constitution of the United States; declaring the wisdom of the constitution in relation to slavery, yet opposed to its extension; recognizing the fact that the constitution vested the sovereignty of the territories in congress, yet not forgetting that congress might delegate the exercise of that sovereignty partly or wholly to the people of the territories, and favoring such delegation so far as consistent with free labor and good government. It declared the intervention of congress for the protection of slavery in the territories, demanded by leading democrats, a gross infraction of popular and national rights, which should be resisted by free men. It was opposed to placing large sums of money in the hands of the executive with authority to purchase territory as he chose without the consideration of congress; and while welcoming those of the white race who came to the United States to enjoy the blessings of free institutions, held that the safety of those institutions depended upon the enforcement of the naturalization laws of the country. These were the real points at issue. But in order to add strength to the platform, it was resolved by the convention that the interests of Oregon, as well as the whole union, demanded the passage of the homestead bill,[11] and the speedy construction of the Pacific railroad. Internal improvements of a national character, a tariff sufficient to meet the current expenses of the government which should discriminate in favor of home industry, a free gift of a

was a native of N. Y., came to Cal. in 1852, and was elected to the legislature in 1855. He afterward removed to Portland and was elected county judge. He had ability, particularly in the direction of politics. He died in 1871 at the age of 43 years. *Walla Walla Statesman*, March 11, 1871; *Olympia Wash. Standard*, March 11, 1871.

[11] This had been before congress at the last session, Lane voting against it. This fact was used by the republicans against him; and it is difficult to understand his motive, unless it was simply to oppose northern senators.

home to him who would cultivate and defend it, were announced as the measures which the republican party pledged itself to support. Lastly, congress was earnestly invoked to pay the war debt of Oregon, not holding responsible the people for any errors or misconduct of officers or individuals, whether truly or falsely alleged.

On proceeding to ballot for congressmen, the names of David Logan, B. J. Pengra, and W. L. Adams were presented, Logan receiving a majority of thirteen over Pengra. Delegates were chosen to attend the national republican convention of 1860, who were instructed to vote for W. H. Seward for presidential candidate; but in case this were not expedient, to use their discretion in selecting another.[12]

The republican party of Oregon was now fairly launched on the unknown sea of coming events. Logan was admitted by his opponents to be the strongest man of his party, one possessed of positive qualities, and an eloquent and satirical orator. He had, however, certain moral defects which dimmed the lustre of his mental gifts, and always stood in the way of his highest success. How near he came to a victory, which would have been unprecedented, Stout's majority of only sixteen votes pointedly illustrates.[13]

Anything so near a republican triumph had not been anticipated, and both parties were equally astonished.[14]

[12] The delegates were W. Warren, Leander Holmes, and A. G. Hovey.

[13] Stout's election was questioned on account of some irregularity, but Logan failed to unseat him.

[14] The county of Marion, hitherto solidly democratic, gave Logan nearly 800 majority. Linn, the home of Delazon Smith, gave Stout but 100 majority; Polk, the home of Nesmith, gave 30 majority for Stout; Lane gave a majority of 20 for Logan. Multnomah, Clatsop, Washington, Yamhill, and Tillamook, all went for Logan. The southern counties generally went for Stout, and saved the democratic party in the Willamette Valley from defeat; for although they contained some of the strongest opponents of the democracy, the majority were intensely devoted to Lane, and they had not had the light on his recent course in congress which had been given by the *Statesman* to the northern counties.

And now Joseph Lane aspired to the presidency of the United States. Pending the meeting of a democratic convention in November, which was to elect delegates to the national convention at Charleston, Grover and Curry made speeches throughout the state, the object of which was to obtain the nomination to the vacant senatorship; but dissensions in the party had gone too far to afford a hope of either being chosen by the next legislature. The mutual abuse heaped upon each other by the partisans of the two factions only contributed to widen the breach and complete the disruption of the party. The tyrannical and proscriptive course of the old Lane-Bush democracy was now practised by the Lane-Stout democracy. In 1858 the *Statesman* had upheld the measure of making Lane's majority the basis of apportionment in the several counties. In 1859 the central committee, following this example, declared that Stout's majority should be the basis of apportionment for delegates to the November convention. A general protest followed, the counties sending as many delegates as they thought fit. Only four were admitted from Marion, which sent ten, and eight counties withdrew,[15] resolving not to elect delegates to the Charleston convention, but simply to pledge themselves to support the national nominee.

Upon the withdrawal of this body of delegates, the delegates of the eleven remaining counties made known their instructions concerning the presidental candidate, when it was found that Josephine county had named Stephen A. Douglas, and Yamhill Daniel S. Dickinson. Other counties refused to nominate Lane. In this embarrassing position those who had so determined, guided by L. F. Mosher, Lane's son-in-law, cut the gordian knot by moving to appoint a committee to report delegates to the national convention with instructions, which was done. The report of the committee named Joseph Lane, Lansing Stout,

[15] Marion, Polk, Wasco, Clatsop, Washington, Umpqua, Coos, and Curry.

and Matthew P. Deady delegates, with John K. Lamerick, John F. Miller, and John Adair as alternates; with instructions to use all their influence to procure the nomination in the Charleston convention of Joseph Lane for the presidency. Blinded by partisan zeal and the dangerous flattery of southern men and women, Lane had staked all on this desperate hazard; while the unwise action of his friends in allowing eight counties to be driven out of the Eugene convention apparently deprived him of any reasonable expectation of carrying his own state should he receive such nomination.[16]

Under the state constitution the legislature and state officers were to be elected biennially on the first Monday in June. The first election having been held in 1858, there could be no other before June 1860; therefore, after the democratic convention of November, the people might have enjoyed exemption from the noise of politics had it not been that a cloud of party journals had fallen upon the land.[17] The only

[16] *Sacramento Union*, in *Or. Statesman*, Jan. 17, 1860.

[17] Concerning the newspapers which sprung into existence about the time of the admission of Oregon, I have gathered the following chiefly from the *Statesman*, *Argus*, and *Oregonian*. Many of them had a brief existence, or so frequently changed their titles that it is difficult to follow them. Early in 1858 the *Democratic Standard*, which was established by Alonzo Leland in 1854, changed hands, and was edited by James O'Meara, as we have seen. It suspended in January 1859, but resumed publication in February. Not long after, the press was removed to Eugene City, where a paper called the *Democratic Herald* was started by Alex. Blakely, to be devoted to the interests of the Lane democracy. It survived but one year. Previously to this removal to Eugene, there had been a neutral paper published at that place called the *Pacific Journal*. This paper was purchased in 1858 by B. J. Pengra, and published as a republican journal under the name of *The People's Press*. A semi-weekly, called the *Franklin Advertiser*, was for a short time published in Portland by S. J. McCormick. Subsequently, in 1859, Leland of the *Standard* stated a paper at Portland, called the *Daily Advertiser*, 'got up as the *Standard* was, to crush out the Salem clique.' It was pro-slavery and anti-Bush. After running a few months it passed into the hands of S. J. McCormick as publisher, Leland withdrawing from the editorial chair. Geo. L. Curry became connected with it, when it was enlarged and published weekly as well as daily, McCormick introducing a steam press into his printing establishment. Previous to starting the *Advertiser* Leland had established the *Daily News*, the first daily paper in Oregon, in connection with S. A. English & Co., publishers. Hardly had it begun before it passed into the editorial charge of E. D. Shattuck, and a little later into the hands of W. D. Carter. The *News* then published a weekly, independent in politics, which had a brief existence. In December

good thing that could be said of them was that they provoked free criticism of themselves, and were thus instrumental in emancipating the thought of the people.

A democratic convention for the nomination of a representative was called, to meet at Eugene in April, the call being declined by Marion, Clatsop, Curry, Washington, Polk, and Tillamook. George K. Sheil was nominated,[18] and the convention adjourned without choosing candidates for presidential electors, which was a part of the business. Two days later the republicans held a convention, at which delegates from seventeen counties were present. At this meeting

1860 the Portland *Daily Times* issued one or two numbers, and suspended. It was revived in 1861, and supported the government. In the latter part of 1860 Henry L. Pittock, the present publisher of the *Oregonian*, purchased that paper, and started a daily, which appeared for the first time Feb. 4, 1861. In 1859 a journal called the *Roseburg Express* was published in Roseburg, on the press of the *Chronicle* of Yreka, L. E. V. Coon & Co. publishers, which ran for a year and failed. Corvallis had had, after the removal of the *Statesman*, the *Occidental Messenger* and *Democratic Crisis*, both of which were dead in 1859. T. H. B. Odeneal was publisher of the latter. In place of this a secession paper called *The Union* was being issued in 1860 by J. H. Slater. In 1859 W. G. T'Vault withdrew from the *Jacksonville Sentinel*, selling to W. B. Treanor & Co., who employed the ubiquitous O'Meara as editor until 1861, when he was succeeded by Dellinger and Hand. About the beginning of 1859 *The Dalles Journal* was established by A. J. Price, afterward controlled by Thomas Jordan, an army officer, whose interference with state politics was not regarded with favor. It passed into the hands of W. H. Newell in 1861, who started *The Mountaineer*. About the close of 1859, Delazon Smith caused the *Oregon Democrat* to be established at Albany for his own purposes. It was published by Shepard, made war on the Salem clique, and sustained Lane. Early in 1861 it was taken in charge by P. J. Malone, an able writer, and in 1865 became the *State Rights Democrat*, with O'Meara for editor. The *Pacific Christian Advocate* was removed from Salem to Portland about this time, its editor, Thomas H. Pearne taking great interest in politics. In fact, no paper could gain a footing without politics; and with the exception of the *Oregonian*, *Argus*, and *People's Press*, every paper in the state was democratic. At Roseburg the *Oregon State Journal* was started in June 1861 on the materials of the *Roseburg Express*, which had not been long in existence. In August 1861 O'Meara and Pomeroy began the publication of the *Southern Oregon Gazette*, a secession journal, which lived but a brief period. As an evidence of the increased facilities for printing, it might be here mentioned that T. J. McCormick, who was the publisher of the first literary magazine in Oregon, styled the *Oregon Monthly Magazine*, in 1852, and the *Oregon Almanac*, in the spring of 1859, published in good style a novel of 350 pages by Mrs Abigail Scott Duniway, called *Captain Gray's Company*. The *Statesman* was first published on a power press, May 17, 1859. After this printing improved rapidly, and newspapers multiplied. The first daily *Statesman* was published July 20, 1864.

[18] The other candidates before the convention were J. K. Kelly, S. F. Chadwick, John Adair, and J. H. Reed. *Or. Statesman*, April 24, 1860.

spoke E. D. Baker,[19] a prominent politician, who came from California, where his star was not propitious, to Oregon, where he hoped to have a finger in the new politics. He made many speeches during the summer campaign, Logan being again the republican candidate for congress, the Seward plank in their platform, however, being abandoned. Nesmith took the field against Sheil, while Kelly, who had returned to his party, Smith, and Sheil himself, advocated the principles of the southern democracy. Whatever the cause, there was a slight reaction from the congressional campaign of 1859, and Sheil received a majority over Logan of 104 votes, while the legislature was more solidly democratic than at the last election.[20]

The election was not long past when the final news was received of the proceedings of the Charleston and Baltimore conventions, the secession of the extreme southern states, and the nomination by them of Lane to the vice-presidency, causing a strong revulsion of feeling among all of the democratic party not strongly pro-slavery in principle.

Oregon was still less prepared to receive a scheme of government said to be entertained by the senators of the Pacific coast, which was to establish a slave-holding republic, on the plan of an aristocracy similar to the ancient republic of Venice, which, while providing for an elective executive, vested all power in hereditary nobles,[21] repudiating universal suffrage.

[19] Born in London in 1811; came to America in 1816; learned cabinet-making, and in 1828 went to Carrollton, Ill., where he began the study of law. In 1832 he was major in the Black Hawk war. For ten years he was a member of the Ill. legislature, and in 1845 of the U. S. house of representatives. During that year he raised a regiment for the Mexican war and joined Taylor at the Rio Grande. In Dec. 1846 he returned, made a speech on the war in congress, after which he resigned and went back to Mexico, where he participated in the capture of San Juan de Ulúa and the battle of Cerro Gordo; taking the command in that battle after the wounding of Gen. Shields. The state of Illinois presented him with a sword. In 1849 he was again elected to congress; and in 1851 he undertook some work on the Panamá railway, but was driven by the fever to Cal. in 1852, where he practised law and made political speeches. *Or. Argus*, Jan. 4, 1862.

[20] There was an increase in the poll of 1,823 since June, 1859. *Or. Statesman*, June 26, 1860.

[21] It was the common belief that Gwin of California was at the bottom of

Labor was to be performed by a class of persons from any of the dark races, invited to California, and subsequently reduced to slavery. Such was the bold and unscrupulous scheme to which Lane had lent himself, the discovery of which caused mingled indignation and alarm. The alarm was not lest the plan should succeed, but lest an internecine war should be forced upon them to prevent its success. But this was not all. The war debt still remained unpaid. The next congress would be largely republican. Oregon was democratic, and with such a record—of having voted in the Charleston convention for secession—how was the payment of that debt to be secured? It was thus the people reasoned, while those whose places depended upon the will of the administration, now openly in sympathy with the seceders, were deeply troubled what course to pursue in the approaching crisis. In the mean time, the republican national convention at Chicago had nominated to the presidency Abraham Lincoln, and the keenest interest was felt throughout the union in an election which was to decide the fate of the nation. For it was well understood that if the republicans carried the country against Douglas, as the Breckenridge and Lane nomination seemed to promise, and as it was believed to be intended, the south would make that a pretext for disunion.

As soon as the full results of the Charleston, Baltimore, and Washington conventions became known, a meeting of the state democratic central committee was held at Eugene City, which, having a majority of Lane democrats, proceeded to indorse the Breckenridge and Lane nominations. This action alarmed

this scheme. Should the southern states succeed in withdrawing from the union and setting up a southern confederacy, and could a line of slave territory be kept open from Texas to the Pacific, the Pacific coast would combine with the south. But in view of the probable wars in which the aggressive policy of the southern states was likely to involve their allies, Gwin was in favor of a separate empire or republic. The plan pointed out the means of procuring slaves, which was to invite the immigration of coolies, South Sea Islanders, and negroes, who were to be reduced to slavery on their arrival. It was the discovery of this conspiracy which gave the California senator the title of Duke Gwin. *S. F. Times*, in *Or. Statesman*, Dec. 10, 1860.

the opposite faction, which called a convention to protest against the indorsement, and to nominate presidential electors, to be held in September. The convention was fully attended, indorsed the Douglas platform, declared the Oregon democracy loyal to the union of the states, denouncing secession. Anything so earnest and unsectional had not been enunciated by the Oregon democracy in all its previous history. Comparing their new platform with that of the republicans, there was no essential difference.[22]

On the 10th of September the legislature met at Salem, and the preponderance of Lane men among the democrats caused a fusion between the Douglas democrats and the republicans, which gave the fusionists a majority in the house of twenty-one to fifteen.[23] An attempt to organize in the senate was defeated by the difficulty of electing a president, the Douglas men having nominated Tichenor, and the Lane men Elkins, another Douglas democrat; and the vote standing seven to seven without change for the first day. On the morning of the second day it was discovered that six senators, Berry, Brown, Florence, Fitzhugh, Monroe, and McIteeney, had left Salem, and were keeping in concealment, with the intent to defeat the election of United States senators, which in the then impending crisis was of unusual importance. The

[22] See republican state platform, in *Or. Argus*, Aug. 25, 1860.

[23] Senators: Clackamas and Wasco, J. K. Kelly; Multnomah, J. A. Williams; Washington, Columbia, Clatsop, and Tillamook, Thos R. Cornelius; Yamhill, J. R. McBride; Polk, William Taylor; Marion, J. W. Grim, E. F. Colby; Linn, Luther Elkins, H. L. Brown; Lane, A. B. Florence, James Monroe; Benton, J. S. McIteeney; Douglas, Solomon Fitzhugh; Umpqua, Coos, and Curry, William Tichenor; Josephine, D. S. Holton; Jackson, A. M. Berry. Representatives: Wasco, Robert Mayes; Multnomah, A. C. Gibbs, B. Stark; Clatsop and Tillamook, C. J. Trenchard; Columbia and Washington, E. Conyers; Washington, Wilson Bowlby; Clackamas, A. Holbrook, W. A. Starkweather, William Eddy; Yamhill, S. M. Gilmore, M. Crawford; Marion, B. F. Harding, S. Parker, C. P. Crandall, R. Newell; Polk, Ira F. M. Butler, C. C. Cram; Linn, B. Curl, A. A. McCally, J. P. Tate, J. Q. A. Worth; Lane, John Duval, Joseph Bailey, R. B. Cochrane; Benton, H. M. Walker, R. C. Hill; Umpqua, J. W. P. Huntington; Coos and Curry, S. E. Morton; Douglas, J. F. Gazley, R. E. Cowles; Josephine, George T. Vining; Jackson, J. B. White, G. W. Keeler, J. N. T. Miller. *Or. Statesman*, June 26, 1860. In the whole body the Lane men numbered 16, anti-Lane men 24, republicans 10.

Lane faction were determined, if not able to elect their favorites, to prevent any election being held. The aspirants to the senatorship were Smith and Lane, democrats, Judge Williams and J. W. Nesmith, independents, and E. D. Baker, republican. Strong influences were brought to bear by the Lane democrats, who besieged the lobby and had their spies at every street corner.

On the 13th the senate organized without a quorum, Elkins being chosen president. A motion was made to adjourn sine die, which was defeated, and a resolution offered authorizing the president to issue warrants for the arrest of the absconding members, which was adopted. They continued, however, to elude the sergeant and his assailants for nine days, when after an unsuccessful ballot for senators in joint convention, in which the Douglas democrats voted for Nesmith and Williams, and the republicans for Baker and Holbrook, the legislature adjourned sine die. Governor Whiteaker then made an appeal through the public prints to all the members of that body to reassemble and attend to their duty; which they finally did on the 24th, but it was not until the 1st of October that balloting for senators was resumed, Deady, Curry, and Drew being added to the nominees. The contest was decreed by the Lane men to be between Smith and any one of the Douglas democrats on one side, and any two of the Douglas men on the other; but the democratic party in the legislature revolted against Smith, and rejected him on any terms. With equal scorn the Lane democrats rejected Nesmith, whom they hated, but intimated that they would vote for him if Smith could be elected. The Douglas men offered if the Lane men would give two votes for Nesmith to elect Curry in place of Smith, but they refused. On the eighteenth ballot the Douglas democrats reluctantly gave up the hope of electing two democratic senators without accepting Smith, and elected

Nesmith and Baker, the former for the long and the latter for the short term.

As soon as practicable after the reassembling of the legislature the house passed a bill providing for the election of a representative in congress to supersede the unauthorized election of Sheil, but the measure was defeated in the senate, the Lane members voting solidly against it. The democratic state central committee then called a meeting, with the intention of electing another representative in November, when the presidential election would occur, and nominated A. J. Thayer.[24] This action caused the senate to reconsider their opposition to a legal election bill; and an act was passed authorizing the governor to issue a writ of election to fill vacancies that might occur in the office of representative to congress. The law went into effect two days after the meeting of the state central committee, and the brief interval between the adjournment of the legislature and the day fixed for the presidential election was devoted to canvassing for a congressman. Nesmith and Benjamin Hayden, one of the democratic presidential electors, took part in it, the candidates being Thayer and Sheil.

Before the 6th of November arrived, the pony express began to bring stirring news of great republican victories in the northern and western states. The successes of the new party were almost too great to be believed. Even in Oregon the contagion spread until all other interests were swallowed therein. On the 6th the vote was cast. Sufficient returns were in by the 9th to make it certain that the state had gone republican.[25] Not only was there a republican plural-

[24] Born in N. Y., spent his boyhood on a farm, acquired a common English education, and studied and practised law, emigrating to Oregon in 1853. In 1855 he was appointed territorial auditor in place of J. A. Bennet, who had declined. His reputation as a lawyer and a man was excellent. In 1870 he was elected to the supreme bench, and as a judge was fearless and impartial. His death occurred in 1873. *Or. Reports*, 4, xi.-xv.; *Albany Democrat*, May 2, 1873; *Salem Mercury*, May 2, 1873.

[25] Lincoln's plurality was 270. The whole vote of the state was 14,751. Lincoln, 5,344; Douglas, 4,136; Breckenridge, 5,074. Bell, of the Bell and Everett party, had 197 votes.

ity for president, but Sheil was defeated.[26] On the 5th of December the republican presidential electors T. J. Dryer, W. H. Watkins, and B. J. Pengra met at Salem and cast the electoral vote for Lincoln, appointing Dryer to carry the vote to Washington. Thus ended the political revolution of 1860 in Oregon.

Slowly, reluctantly, regretfully came home the truth to the people of Oregon that Joseph Lane was a secessionist; that he had offered his services and those of his sons to fight in battle against his government, and against his late friends in Oregon. The news of the fall of Fort Sumter did not reach Oregon till the 30th of April, 1861. By the same steamer that brought the thrilling intelligence of actual war came Lane back to his home in Oregon. What a pitiful home-coming! Hatred and insult greeted him from the moment he came in sight of these Pacific shores. At San Francisco it was so, and when he reached Portland, and a few personal friends wished to give a salute in his honor, they were assured that such a demonstration would not be permitted in that town. Even the owner of a cart refused to transport his luggage to the house of his son-in-law. It consisted of two or three stout boxes in which were being conveyed to southern Oregon arms for the equipment of the army of the Pacific republic! But this fact was not known to the cartman, or it might have fared worse with the ex-senator. Proceeding south after a few days with these arms in a stout wagon, but unsuspected, he was met at various parts of the route by demonstrations of disrespect. At Dallas he was hanged in effigy. A fortunate accident arrested him in the perpetration of the contemplated folly and treachery,[27] and con-

[26] The whole vote for congressman was a little over 4,000. Of these Lane received 5, Logan 8, Sheil 131, and Thayer the remainder.

[27] Jesse Applegate testifies as follows: In crossing the Calapooya Mountain with only his Irish teamster, by some mischance a pistol was discharged, wounding Lane in the arm. The Irishman, frightened lest it should be

signed him to a life of retirement from which he never emerged.[28]

That a considerable class in Oregon were in favor of secession is undeniable. That there were some who would have fought for the extension of slavery had they been upon southern soil is undoubted. But there were few who cared enough for what they called the rights of the southern states to go to the seat of war and fight for them.[29] On the other hand, there were many who fought for the union.[30] Party lines were

thought that he had inflicted the wound with murderous intent, fled to the house of Applegate, at Yoncalla, and related what had occurred. Applegate at once went to Lane's relief, taking him to his house, where he remained for several weeks. During this visit Lane revealed to his friend the nature of his scheme concerning Oregon, and was dissuaded from the undertaking.

[28] For many years Lane lived alone with a single servant upon a mountain farm. In 1878, to gratify his children, he removed to Roseburg, where, being cordially welcomed by society, the old fire was awakened, and he nominated himself for the state senate in 1880 at the age of 79 years. Being rather rudely rejected and reproved, he wept like a child. His death occurred in May 1881. Whatever errors he may have committed, whatever vanity he may have displayed concerning his own achievements, he was ever generous in his estimate of others, and the decline of his life was full of kindness and courtesy.

[29] John Lane, son of Joseph Lane, became a colonel in the confederate army. Captain Thomas Jordan, for a time U. S. quartermaster at The Dalles, resigned to take service in the south. He was said to have accepted a colonelcy in the Culpepper cavalry. Major Garnett, for several years stationed in Oregon and Washington, also resigned, and was commissioned brigadier by Jefferson Davis. John Adair of Astoria, Oregon, son of the collector and postmaster, who graduated from West Point in 1861, was commissioned lieutenant of dragoons and ordered to join his regiment at Walla Walla, and afterward to report at Washington, instead of which he deserted, and went to Victoria, V. I. He was dismissed the service. *Or. Statesman*, Aug. 25, 1862. The place left vacant by John Lane at West Point was filled by Volney Smith, son of Delazon Smith, who failed in his examination. He was appointed a lieutenant in a New York cavalry regiment, but did not long remain in the service. Adolphus B. Hannah, who had been U. S. marshal in Oregon, offered his services to the confederacy. J. B. Sykes, Indian agent at the Siletz reservation, resigned and went east to serve in the rebel army. He was captured with a portion of Jackson's command, and sent to Columbus, Ohio. John K. Lamerick, once brigadier-general of the Oregon militia, went to Washington to dispose of his Indian war scrip, and joined the rebel army as a commissary. C. H. Mott, who in 1858 was sent to Oregon to examine into the Indian accounts, joined the rebel army and commanded the 19th Mississippi at Bull Run. He was killed in front of Hooker's division May 5, 1862.

[30] Notable among whom was Captain Rufus Ingalls, who came to Fort Vancouver in 1849. He was promoted to the rank of lieutenant-colonel on McClellan's staff, and placed in charge of the quartermaster's department at Yorktown. Colonel Joseph Hooker, then living at Salem, offered his services, and was promoted to the rank of brigadier-general. The other officers who had served in Oregon and were promoted to the rank of major or brigadier-general were Grant, Sheridan, Augur, Ord, Wright, Smith, Casey, Russell,

blotted out as quickly in Oregon as in New York, and soon there was but one party that amounted to anything—the union party. By reason of lack of sympathy with the people at this juncture, Governor Whiteaker was requested to resign.

The first despatches transmitted across the continent entirely by telegraph shocked the whole Pacific coast with the message that at the battle of Ball's Bluff, on the 21st of October, 1861, fell Oregon's republican senator, E. D. Baker.[31] The seat in the senate left vacant by Baker was filled by the appointment by Governor Whiteaker of Benjamin Stark, one of the original owners of the Portland land claim. Information was forwarded to Washington of the disloyal sentiments of the appointee, and for two months the senate hesitated to admit him; but he was finally, in February 1862, permitted to take the oath of office by a vote of twenty-six to nineteen, Senator Nesmith voting for his admission. But the matter was not

Reynolds, and Alvord, besides Baker and Stevens, who had received a military education, but were not in the army. Captain Hazen, who was formerly stationed at Fort Yamhill, was placed in command of a volunteer infantry regiment at Cleveland, Ohio, in the beginning of the war. Lieutenant Lorraine, who was stationed at Fort Umpqua, was assigned to a new regiment in the field, and was wounded at Bull Run. Captain W. L. Dall of the steamship *Columbia* was appointed a lieutenant commanding in the U. S. navy. Roswell C. Lampson of Yamhill county, son of an immigrant of 1845, the first naval cadet from Oregon, and who graduated about this time, served in the war, and was promoted to the command of a vessel for gallant conduct at Fort Fisher. At the close of the war he resigned, returned to Oregon, and became clerk of the U. S. courts. *Portland Oregonian*, April 5, 1865; *Portland Standard*, April 27, 1877. James W. Lingenfelter, a native of Fonda, N. Y., but residing in Jacksonville, Oregon, was made captain of a volunteer company, and killed near Fortress Monroe, Oct. 8, 1861. John L. Boon, son of J. D. Boon, state treasurer, and a student at the Weslyan university, Delaware, Ohio, served in an Ohio regiment, being in the battles of Shiloh and Corinth, in the division under General Lew Wallace. The major of the 68th Ohio was a former resident of Oregon, named Snooks, of the immigration of 1844. George Williams, son of Elijah Williams of Salem, was appointed 2d lieut of the 4th inf., and was in the second battle of Bull Run, Antietam, Fredericksburg, and Gettysburg, losing a foot in the last named. Frank W. Thompson of Linn county was colonel of the 3d Va. volunteers in 1863, and subsequently promoted. Henry Butler of Oakland, Oregon, was a member of the 86th Ill. volunteers; and Charles Harker of Oregon was a lieut in the union army. Many more would have been in the service but for the apprehensions entertained of the designs of disunionists on the Pacific coast.

[31] When war was declared Baker raised a regiment in Penn. His remains were deposited in Lone Mountain cemetery, San Francisco, and a monument erected to his memory.

allowed to rest there. A committee being appointed to examine the evidence, Stark was finally impeached, but was not expelled, his term ending with the meeting of the Oregon legislative assembly in September.

A similar leniency was exercised by congress towards Sheil, who contested the election of Thayer. The latter was admitted to his seat, and occupied it during most of the special term of 1861, but upon the right to it being contested, Thaddeus Stevens maintained that since there was at the time no authority for a congressional election in Oregon, the seat was really vacant. The contestants being thus placed upon an equality as to legal rights, a preponderance was left of such right as might be in favor of the first man elected. The republicans in the house could have kept out Sheil by insisting upon the illegality of his election, had not congress taken every occasion to show such magnanimity as could be ventured upon toward men of disunion predilections in the hope of conciliating the south.

With a change of administration there was a change in the official list. William L. Adams of the *Argus* was appointed collector of customs at Astoria. W. W. Parker[32] became his deputy. B. J. Pengra supplanted W. W. Chapman as surveyor-general; T. J. Dryer was appointed commissioner to the Hawaiian Islands; Simeon Francis, paymaster in the army, with the rank of major;[33] W. T. Matlock, receiver of the land office at Oregon City; and W. K. Starkweather,

[32] A native of Vt., educated at Norwich university. In 1847 he was appointed mining engineer to the Lake Superior Copper Mining Company, but hearing that the mail steamer *California* was about to sail for California and Oregon in 1848, he took passage in her for the Pacific coast. By the time the steamer arrived, the gold fever was at its height, and he engaged in mining, at which he was successful, losing his earnings afterward by fire. He was one of the board of assistant alderman in San Francisco in 1851. In Feb. 1852 he removed to Astoria, Oregon.

[33] Francis came from Springfield, Ill., to Oregon in 1859. After Lincoln's campaign he took charge of the *Portland Oregonian* while Dryer carried the electoral vote to Washington. He afterward resided at Fort Vancouver. His death occurred at Portland in Nov. 1872, to which place military headquarters had been removed. See *Portland Oregonian*, Nov. 2, 1872.

registrar of the same; W. H. Rector received the appointment of superintendent of Indian affairs, and A. L. Lovejoy the office of pension agent.

When Nesmith first took his seat in the senate he had some feeling in favor of the south, and spoke accordingly; but in due time his utterances became more moderate, and when he returned to Oregon in the autumn of 1861 he was well received. Stout represented Oregon with fidelity, industry, and ability. At his first session he introduced a bill to remove the obstructions in the Missouri and Columbia Rivers, with a view to opening a line of travel across the continent. He urged the protection of immigrants, and the restoration of the military department of Oregon, which was depleted by the call for troops, and labored for the payment of the Indian war bonds, the issuance of which was delayed by Secretary Chase until the loans necessary for the civil war had been negotiated.

After issue, they sold at about ninety cents on the dollar, when the bond amounted to five hundred dollars, without a market for the smaller bonds. Some of the scrip exchanged for these bonds had been purchased at thirty, forty, and even as low as thirteen cents on the dollar.

CHAPTER XIX.

WAR AND DEVELOPMENT.

1858–1862.

WAR DEPARTMENTS AND COMMANDERS—MILITARY ADMINISTRATION OF GENERAL HARNEY—WALLEN'S ROAD EXPEDITIONS—TROUBLES WITH THE SHOSHONES—EMIGRATION ON THE NORTHERN AND SOUTHERN ROUTES—EXPEDITIONS OF STEEN AND SMITH—CAMPAIGN AGAINST THE SHOSHONES—SNAKE RIVER MASSACRE—ACTION OF THE LEGISLATURE—PROTECTION OF THE SOUTHERN ROUTE—DISCOVERY OF THE JOHN DAY AND POWDER RIVER MINES—FLOODS AND COLD OF 1861–2—PROGRESS OF EASTERN OREGON.

IN the summer of 1857 General Wool, who was so much at variance with the civil authorities on the Pacific coast, was removed from this department, and the command given to General Newman S. Clarke. The reader will remember that Colonel George Wright had been left by Wool in command at Vancouver in the spring of 1856. Not long after, on account of the hostilities of those tribes which had taken part in the Walla Walla treaties of 1855, Wright was removed to The Dalles, and Colonel Thomas Morris took command at Vancouver. In the mean time two new posts were established north of the Columbia, one in the Yakima country, and another in the Walla Walla Valley; and for a period of two years Wright, embarrassed by the policy of the commanding generals, outnumbered and outwitted by the Indians, was engaged in a futile endeavor to subdue without fighting them. The Indians being emboldened by the apparent weakness of the army, in the spring of 1858 the troops under Colonel Steptoe, while marching to

Colville, were attacked by a large force of Spokanes and Cœur d'Alênes, and sustained a heavy loss. Awakened by this demonstration of the hostile purposes of the confederate tribes, Clarke prepared to inflict condign punishment, and in September of that year Wright marched a large force through their country, slaying and destroying as he went. This chastisement brought the treaty tribes into a state of humility. In the mean time E. R. Geary had been appointed superintendent of Indian affairs in Oregon and Washington, and in the spring of 1859, congress having ratified the treaties of 1855, he made arrangements with them for their permanent settlement on their reservations, four in number, namely: Simcoe, Warm Spring, Umatilla, and Lapwai; but unfortunately for the credit of the government with the Indians, no appropriation was made by congress for carrying out its engagements until the following year; nor was any encouragement given toward treating with other tribes in the eastern portion of the state.

By an order of the secretary of war of September 13, 1858, the department of the Pacific was subdivided into the departments of California and Oregon, the latter under the command of General W. S. Harney, with headquarters at Vancouver. This change was hailed with delight by the Oregonians, not only because it gave them a military department of their own, but because Harney's reputation as an Indian-fighter was great, and they hoped through him to put a speedy termination to the wars which had continuously existed for a period of five years, impeding land surveys and mining, and preventing the settlement of the country east of the mountains. Harney arrived at Vancouver on the 29th of October, and two days later he issued an order opening the Walla Walla Valley, closed against settlement ever since 1855, to the occupation of white inhabitants.

By this order Harney's popularity was assured. A joint resolution was adopted by the legislature con-

gratulating the people, and asking the general to extend his protection to the immigration, and establish a garrison at or near Fort Boisé.[1] A considerable military force having been massed in the Oregon department for the conquest of the rebellious tribes,[2] Harney had, when he took command, found employment for them in explorations of the country. The military department in 1858 built a steamboat to run between The Dalles and Fort Walla Walla,[3] and about two thousand settlers took claims in the Walla Walla and Umatilla valleys during this summer. The hostilities which had heretofore prevented this progress being now at an end, there remained only the Snake,[4] Klamath, and Modoc tribes to be either conquered or conciliated. Little discipline had been administered in this quarter, except by the three expeditions previously mentioned of Wright, Walker, and Haller.

Harney, though more in sympathy with the people than his predecessors, was yet like them inclined to discredit the power or the will of the wild tribes

[1] *Clarke and Wright's Campaign*, 85; *Or. Laws*, 1858–9, app. iii.; *Or. Statesman*, Feb. 8, 1859.

[2] Besides the companies stationed to guard the Indian reservations in Oregon in 1857, there were 3 companies of the 9th inf. at The Dalles, one of the 4th inf. at Vancouver, one of the 3d art. at the Cascades, 3 of the 9th inf. at Fort Simcoe in the Yakima country, and at Fort Walla Walla 2 companies of inf., one of dragoons, and one of art. *U. S. H. Ex. Doc.* 2, vol. ii. pt ii. 78, 35th cong. 1st sess. In the autumn of 1858 three companies of art. from S. F., one from Fort Umpqua, now attached to the department of Cal., and an inf. co. from Fort Jones were sent into the Indian country east of the Cascade Mountains. *Kip's Army Life*, 16–18; *Sac. Union*, Aug. 23, 1858.

[3] This steamer was owned by R. R. Thompson and L. Coe, and was named the *Colonel Wright*. Harney mentions in a letter to the adjutant-general dated April 25, 1859, that a steamboat line had been established between The Dalles and Walla Walla, and that in June when the water of the Columbia and Snake rivers should be high, the steamer should run to the mouth of the Tucannon, on the latter river. *U. S. Mess. and Docs.*, 1859–60, 96, 36th cong. 1st sess.; *S. F. Bulletin*, April 28, May 13 and 30, and Sept. 13, 1859. It is worthy of remark that the first steamer to ascend the Missouri to Fort Benton made her initial trip this year. This was the *Chippewa*. *Id.*, Sept. 17, 1859; *Or. Argus*, Sept. 3, 1859.

[4] I use the term Snake in its popular sense and for convenience. The several bands of this tribe, the Bannacks, and the wandering Pah Utes were all classed as Snakes by the people who reported their acts, and as it is impossible for me to separate them, the reader will understand that by Snakes is meant in general the predatory bands from the region of the Snake and Owyhee rivers.

to inflict serious injury. Yet not to neglect his duty in keeping up an appearance of protecting miners, immigrants, and others, and at the same time to carry forward some plans of exploration which I have already hinted at,[5] toward the end of April he ordered into the field two companies of dragoons and infantry mounted, under Captain D. H. Wallen, to make a reconnoissance of a road from The Dalles to Salt Lake City, connecting with the old immigrant route through the South Pass, and to ascertain whether such a road could not be constructed up the John Day River, thence over to the head waters of the Malheur, and down that stream to Snake River.[6] Wallen proceeded as directed and along the south side of Snake River to the crossing of the Oregon and California roads at Raft River, meeting on his march with none of the predatory bands, which, eluding him, took advantage of being in his rear to make a descent upon the Warm Spring reservation and drive off the stock be-

[5] Harney was much interested in laying out military roads, and in his reports to the general-in-chief called the attention of the war department to the necessity for such roads in this portion of the United States territory. Among other roads proposed was one through the south pass to the head of Salmon River, down that stream to the Snake River, and thence to Fort Walla Walla, which was never opened owing to the roughness of the country. F. W. Lander made an improvement in the road from the south pass to the parting of the Oregon and California routes which enabled most of the immigration to arrive at the Columbia several weeks earlier than usual. The new route was called the Fort Kearney, South Pass, and Honey Lake wagon road, and appears to have been partially opened in 1858, or across the Wachita mountains. Appended to Lander's report is a long list of names of persons en route for California and Oregon who passed over it in 1858 and 1859. A party left Fairbault, Minnesota, in July 1858, and travelled by the Saskatchewan route, wintering in the mountains with the snow in many places twenty feet deep. They experienced great hardships, but arrived at The Dalles May 1, 1859, in good health. Their names were J. L. Houck, J. W. Jones, J. E. Smith, E. Hind, William Amesbury, J. Emehiser, J. Schaeffer, J. Palmer, J. R. Sandford. *Olympia Herald*, May 27, 1859.

[6] Wallen crossed the Des Chutes at the mouth of Warm Spring River, proceeded thence to the head of Crooked River, 160 miles, finding a good natural road with grass and water. He detached Lieutenant Bonnycastle with part of his command to explore the country east of the route followed by himself, who travelled no farther than Harney Lake Valley, to which he probably gave this name in honor of the commanding general, from which point he turned north to the head waters of John Day River and followed it down, and back to The Dalles, on about the present line of the road to Canyon City. Harney reported that Bonnycastle brought a train of 17 ox-wagons from Harney Valley to The Dalles in 12 days without accident. *U. S. Mess. and Docs*, 1859–60, 113; *U. S. Sen. Doc.*, 34, ix. 51, 36th cong. 1st sess.

longing to the treaty Indians.[7] A. P. Dennison, the agent, applied to Harney for a force to guard the reservation, but the general, instead of sending troops, ordered forty rifles with ammunition to be furnished, and Dennison resorted to organizing a company among the reservation Indians, and placing it under the command of Thomas L. Fitch, physician to the reservation, who marched up John Day River in the hope of recovering a hundred and fifty head of horses and cattle which had been stolen. His company killed the men belonging to two lodges, took the women and children prisoners, and recaptured a few horses, which had the effect to secure a short-lived immunity only. In August the Snakes made another raid upon the reservation, avenging the slaughter of their people by killing a dozen or more Indian women and children and threatening to burn the agency buildings, the white residents fleeing for their lives to The Dalles. The agent, who was at that place, hastened to the scene of attack with a company of friendly Indians, but not before sixteen thousand dollars' worth of property had been stolen or destroyed.[8] It was only then that a small detachment of soldiers was sent to guard the reservation and induce the terrified Indians as well as white people to return; and a dragoon company was ordered to make a reconnoissance along the base of the Blue Mountains, to recover if possible the property carried off, returning, however, empty-handed; and it was not without reason that the old complaint of the Indian department was reiterated, that the military department would not trouble itself with the Indians unless it were given exclusive control.

[7] Though Wallen met with no hostile savages in his march to Camp Floyd, he found no less than three commands in the field from that post pursuing Indians who had attacked the immigration on the California road. He mentions the names of a few persons killed in 1859, S. F. Shephard, W. F. Shephard, W. C. Riggs, and C. Rains. *Olympia Herald*, Sept. 16, 1859. E. C. Hall and Mr and Mrs Wright are mentioned as having been attacked. Hall was killed and the others wounded.

[8] *Ind. Aff. Rept*, 1859, 389. Indemnity was claimed for the losses of private persons and the Indians.

From a combination of causes, the chief of which was the agitation of the question of slavery, the immigration of 1859 was larger than any which had preceded it for a number of years.[9] Owing to the care taken by Captain Wallen to insure the safe passage of the trains, all escaped attack except one company, which against his advice turned off the main route to try that up the Malheur, and which was driven back with a loss of one man severely wounded, and four wagons abandoned.[10] Major Reynolds of the 3d artillery from Camp Floyd for Vancouver, with one hundred men and eight field-pieces, escorted the advance of the immigration, and Wallen remained to bring up the rear, sending sixty dragoons four days' travel back along the road to succor some belated and famishing people.[11]

In the spring of 1860 General Harney ordered two expeditions into the country traversed by predatory Snakes, not with the purpose of fighting them, as Wallen's march through their country had been uninterrupted, but to continue the exploration of a road to Salt Lake from Harney Lake, where Wallen's exploration in that direction had ceased; and also to explore from Crooked River westward to the head waters of the Willamette River, and into the valley by the middle immigrant route first opened by authority of the legislature in 1853.

This joint expedition was under the command of Major E. Steen, who was to take the westward march

[9] Horace Greeley estimated that 30,000 people and 100,000 cattle were en route to California. This estimate was not too large, and instead of all going to California about one third went to Oregon, many of them settling in Walla Walla Valley—at least 800. About 20 families settled in the Yakima Valley, 30 families on the Clickitat, and others in every direction. Some settled in the Grande Ronde and south of the Columbia, but not so many as in the following years. *Olympia Pioneer and Democrat*, Sept. 30, 1859; *Or. Argus*, Oct. 15, 1859.

[10] *Dalles Journal*, in *Or. Argus*, Sept. 24, 1859; *Portland Oregonian*, Oct. 15, 1859.

[11] See letter in *Olympia P. S. Herald*, Sept. 16, 1859. Colonel Wright sent forward from Fort Walla Walla to meet the later trains which were destitute of provisions 250 sacks of flour, 50 barrels of pork, and other necessaries. *Or. Statesman*, Sept. 6, 1859.

from Crooked River, while Captain A. J. Smith was to proceed southward and eastward to the City of Rocks. About six weeks after Smith and Steen had set out from The Dalles, news was received that the hostile bands, so far from hiding from the sight of two dragoon companies, had attacked Smith after his parting with Steen, when he was within twenty miles of the Owyhee; and that he had been no more than able to protect the government property in his charge. It being unsafe to divide his command to explore in advance of the train, he was compelled to retreat to Harney Lake Valley and send an express after Steen, who turned back and rejoined him on the head waters of Crooked River.[12] Accompanying, or rather overtaking, Steen's expedition on Crooked River was a party of four white men and five Indians escorting Superintendent Geary and G. H. Abbott, agent at Warm Springs, upon a search after some chiefs with whom they could confer regarding a treaty, or at least a cessation of hostilities. Without the prestige of numbers, presents, or display of any kind, Geary was pushing his way into the heart of a hostile wilderness, under the shadow of the military wing which, so far from being extended for his protection, completely ignored his presence.[13]

During Geary's stay at Steen's camp, on the 15th of July two refugees from a party of prospectors which had been attacked by the Indians came in and reported the wounding of one man, the loss of seventy horses, and the scattering of their company,

[12] Rept of Captain Smith, in *U. S. Sen. Doc.*, i. 119, 36th cong. 2d sess.; *Sac. Union*, July 20, 1860; *S. F. Alta*, July 13, 1860.

[13] In the reports of military and Indian departments there is found a mutual concealment of facts, no mention being made by Steen of the presence of the head of the Indian department of Oregon and Washington at his camp, in his communication to his superiors; nor did Geary in his report confess that he had been disdainfully treated by the few savages to whom he had an opportunity of offering the friendship of the United States government, as well as by the army. To his interpreter they replied that powder and ball were the only gifts that they desired or would accept from white men. *Ind. Aff. Rept*, 1860, 174–5; *Dalles Mountaineer*, in *Or. Statesman*, July 10, 1860; *Olympia Pioneer and Democrat*, July 20, 1860.

which had fled into Harney Lake Valley after being attacked a second time. This incident, with the general hopelessness of his errand, caused Geary to return to The Dalles, while an express was sent forward to warn Smith, then two days on his march toward the City of Rocks. Steen also moved his camp to Harney Lake to be within communicating distance in case Smith should be attacked, and he spent two days looking for Indians without finding any. A few days later Smith was attacked, as above related.

In the mean time Harney had been summoned to Washington city on business reputed to be connected with the war debt of Oregon and Washington territories, and Colonel Wright was placed in command of the department of Oregon. On hearing of the interruption of the explorations, Wright at once ordered three companies of artillery under Major George P. Andrews to march to the assistance of the explorers, while a squadron of dragoons under Major Grier was directed to move along the road toward Fort Boisé to guard the immigrant road, and be within commanding distance of Steen, who it was supposed would also be upon the road in a few weeks.

When Steen had been reënforced by the artillery companies, he marched on the 4th of August toward a range of snow mountains east of Harney Lake, extending for some distance southward, near which he believed the Indians would be found, taking with him a hundred dragoons and sixty-five artillerymen. The remainder of the command under Major Andrews moved eastward to a camp near the Owyhee to await orders. Major Grier being on the road to Boisé with his dragoons, looking out for the immigration, Steen hoped to catch the Indians and drive them upon one or the other of these divisions. Attached to Steen's division was a small company of scouts from the Warm Spring reservation, who on the fourth day

discovered signs of the enemy on the north slope of a high butte, which now bears the name of Steen Mountain, and on the morning of the 8th a small party of Indians was surprised and fled to the very top of this butte to the region of perpetual snow, hotly pursued by the troops. Arrived at the summit, the descent on the south side down which the Indians plunged, looked impassable; but, with more zeal than caution, Steen pursued, taking his whole command, dragoons and artillery, down a descent of six thousand feet, through a narrow and dangerous cañon, with the loss of but one mule. The country about the mountain was then thoroughly reconnoitred for three days, during which the scouts brought in three Indian men and a few women and children as prisoners.

On the 16th the command returned to camp, after which Smith made a forced march of a hundred miles on a supposed trail without coming upon the enemy. Steen then determined to abandon the road survey and return to The Dalles. Dividing the troops into three columns twenty miles apart, they were marched to the Columbia River without encountering any Indians on either route. Early in September the companies were distributed to their several posts.[14] Yet the troops were not more than well settled in garrisons before the Snakes made a descent on the Warm Spring reservation, and drove off all the stock they had not before secured. When there was nothing left to steal, twenty dragoons under Lieutenant Gregg were quartered at the reservation to be ready to repel any further attacks.[15]

Colonel Wright reported to headquarters, September 20th, that the "routes of immigration were rendered perfectly safe" by the operations of troops during

[14] *U. S. Sen. Doc.* 1, vol. ii. 131, 36th cong. 2d sess.; *Olympia Pioneer and Democrat*, Sept. 14, 1860.

[15] *Ind. Aff. Rept*, 1860, 176; 1861, 156; *Puget Sound Herald*, Oct. 26, 1860.

the summer; that nothing more needed to be done or could be done, with regard to the Shoshones, before spring, when the superintendent would essay a treaty at Salmon River, which would serve every purpose;[16] but urged the construction of a fort at Boisé, which had already been directed by the secretary of war, delayed, however, for reasons connected with the threatening aspect of affairs in the southern states. Major Grier's command, which had taken the road to Boisé to look after the immigration, returned to Walla Walla in September.

The troops were no sooner comfortably garrisoned than the local Indian agent at the Umatilla, Byron N. Davis, notified the commander at Fort Walla Walla that a massacre had taken place three weeks previous on Snake River, between Salmon Falls and Fort Boisé, wherein about fifty persons had been killed, or scattered over the wilderness to perish by starvation. Davis also reported that he had immediately despatched two men with a horse-load of provisions to hasten forward to meet any possible survivors; and at the same time a loaded wagon drawn by oxen, this being the best that he could do with the means at his command. As soon as the disaster became known to the military authorities, Captain Dent with one hundred mounted men was ordered to proceed rapidly along the road and afford such assistance as was required by the sufferers, and if possible to punish the Indians. At the same time it was thought that the report brought in by the three known survivors might be exaggerated.[17]

The story of the ill-fated party is one of the most terrible of the many terrible experiences of travellers across the Snake River plains. On the 13th of September, between nine and ten o'clock in the morning, a train of eight wagons and fifty-four persons was

[16] *U. S. Sen. Doc.* 1, vol. ii. p. 136, 1860–61, 36th cong. 2d sess.

[17] Report of Colonel Wright, in *U. S. Sen. Doc.* 1, vol. ii. p. 141, 1860–1, 36th cong. 2d sess.

attacked by Indians about one hundred in number. An escort of twenty-two dragoons had travelled with this company six days west of Fort Hall, where Colonel Howe was stationed with several companies of troops for the purpose of protecting the immigration to California and Oregon. Thinking the California road more dangerous, and aware that there were or had been troops from the Oregon department in the neighborhood of Boisé, Colonel Howe deemed further escort unnecessary, and the train proceeded for two weeks before meeting with any hostile Indians.

On the morning named they appeared in force, surrounding the train, yelling like demons, as the emigrants thought with the design of stampeding their cattle, which they accordingly quickly corralled, at the same time preparing to defend themselves. Seeing this, the savages made signs of friendship, and of being hungry, by which means they obtained leave to approach near enough to receive presents of food. They then allowed the emigrants to pass on, but when the wagons had gained a high point which exposed them to attack, a fire was opened on the train with rifles and arrows from the cover of the artemisia. Again the company halted and secured their cattle. But before this was accomplished three men were shot down. A battle now took place, which lasted the remainder of the day, and in which several Indians were seen to fall. The firing of the savages was badly directed, and did little harm except to annoy the horses and cattle, already irritable for want of food and water. All night the Indians fired random shots, and on the morning of the second day recommenced the battle, which continued until the second night, another man being killed. Toward sunset the company agreed upon leaving four of their wagons for booty to the Indians, hoping in this way to divert their attention long enough to escape with the other four. They accordingly started on with half the train, leaving half behind. But the savages paid no

heed to the abandoned property, following and attacking the emigrants with fresh activity. The men labored to hasten their cattle, but in spite of all their efforts the hungry creatures would stop to snatch a mouthful of food. With the company were four young men, discharged soldiers from Fort Hall, well armed with rifles and revolvers belonging to the company, and mounted on good horses, who were to ride in advance to keep the way open. Instead of doing their duty, they fled with the horses and arms.[18] Two other men, brothers named Reith, succeeded in reaching Umatilla the 2d of October, by whose report, as well as the story of the other surviving fugitives, the massacre became known.

Finding it impossible to drive the famished cattle, and seeing that in a short time they must fall victims to the savages, the ill-fated emigrants determined to abandon the remainder of the loaded wagons and the cattle, and if possible save their lives. The moment, however, that they were away from the protection of the wagons, two persons, John Myers and Susan Utter, were shot dead. Mr Utter, father of the young woman, then made signs of peace, but was shot while proposing a treaty. Mrs Utter refused to quit her dead husband, and with three of her children, a boy and two girls, was soon despatched by the savages.

Eleven persons had now been killed, six others had left the train, and there remained thirty-seven men, women, and children. They were too hard pressed to secure even a little food, and with one loaf of bread hastily snatched by Mrs Chase, fled, under cover of the darkness, out into the wilderness to go—they knew not whither. By walking all night and hiding under the bank of the river during the day they eluded the Indians. The men had some fish-hooks,

[18] These men were named Snyder, Murdoch, Chambourg, and Chaffey. Snyder and Chaffey escaped and reported the other two as killed. Account of Joseph Myers, in *Olympia Standard*, Nov. 30, 1860; see also *Sac. Union*, Oct. 10, 1860.

the women some thread, which furnished lines for fishing, by which means they kept from starving. As the howlings of the Indians could still be heard, no travel was attempted except at night. After going about seventy miles, the men became too weak from famine to carry the young children. Still they had not been entirely without food, since two dogs that had followed them had been killed and eaten.

After crossing Snake River near Fort Boisé they lost the road, and being unable to travel, encamped on the Owyhee River. Just before reaching this their final camp, a poor cow was discovered, which the earlier emigration had abandoned, whose flesh mixed with the berries of the wild rose furnished scanty subsistence, eked out by a few salmon purchased of some Indians encamped on the Snake River in exchange for articles of clothing and ammunition. The members of the party now awaiting their doom, in the shelter of the wigwams on the banks of the Owyhee, were Alexis Vanorman, Mrs Vanorman, Mark Vanorman, Mr and Mrs Chase, Daniel and Albert Chase, Elizabeth and Susan Trimble, Samuel Gleason, Charles and Henry Utter, an infant child of the murdered Mrs Utter, Joseph Myers, Mrs Myers, and five young children, Christopher Trimble, several children of Mr Chase,[19] and several of Mr Vanorman's.

Before encamping it had been determined to send an express to the settlements. An old man named Munson, and a boy of eleven, Christopher Trimble, were selected to go. On reaching Burnt River they found the Reith brothers and Chaffey, one of the deserting soldiers. They had mistaken their way and wandered

[19] These are all the names mentioned by Myers in his account of the sojourn on the Owyhee; but there are other names given by the Reith brothers who first arrived at Umatilla. These were William Anttly, a soldier from Fort Hall; A. Markerman, wife and five children; an old man named Civilian G. Munson; and Charles Kesner, a soldier from Fort Hall. *U. S. Sen. Doc.* 1, vol. ii. 143, 1860–61, 36th cong. 2d sess. Munson was among the rescued; all the others must have been killed in flight. Myers of course could not see all that was transpiring in the moment of greatest emergency.

in the wilderness, having just returned to the road. Munson went on with these four men, two of whom succumbed before reaching any settlement, and young Trimble returned to the Owyhee to encourage the others in the hope that help might come. They therefore made what effort they could to keep themselves alive with frogs caught along the river.

During the first fortnight the Indians made several visits to the camp of the emigrants, and carried away their guns. A considerable quantity of clothing had been disposed of for food, and as there was nothing to replace it, and the nights were cold, there was an increase of suffering from that cause. The Indians took away also by force the blankets which the fleeing men and women had seized. Alarmed lest another day they might strip him of all his clothing, and end by killing him, Vanorman set out with his wife and children, five in number, Samuel Gleason, and Charles and Henry Utter, to go forward on the road, hoping the sooner to meet a relief party. As it afterward appeared, they reached Burnt River, where all their bodies were subsequently discovered, except those of the four younger children, who, it was thought, were taken into captivity.[20] They had been murdered by the savages, and Mrs Vanorman scalped.

Not long after the departure from camp of this unfortunate party, Mr Chase died from eating salmon, which he was too weak to digest. A few days later, Elizabeth Trimble died of starvation, followed shortly by her sister Susan. Then died Daniel and Albert Chase, also of famine. For about two weeks previous, the Indians had ceased to bring in food, or,

[20] 'Eagle-from-the-Light, a Nez Percé, had just returned from the Snake country, and there came with him four Snake Indians, who informed Agent Cain that they knew of four children, members of that unfortunate party, that were yet alive. Arrangements were made with them by which they agree to bring them in, and accordingly have left their squaws, and returned to their country for that purpose.' Letter from Walla Walla, in *Or. Argus*, Dec. 22, 1860. The Indians who went after the children, one of whom was a girl of thirteen, returned on account of snow in the mountains. They were heard of within 150 miles of the Flathead agency, and were sent for by Mr Owen, agent at that place, but were never found.

indeed, to show themselves, and thus helped on the catastrophe, the indirect cause of which was their dread of soldiers. Young Trimble had been in the habit of visiting the Indian camp before mentioned, and one day on returning to the immigrant camp brought with him some Indians having salmon to sell. As Trimble was about to accompany them back to their village, he was asked by Myers to describe the trail, "for," said he, "if the soldiers come to our relief we shall want to send for you." It was an unfortunate utterance. At the word 'soldiers' the Indians betrayed curiosity and fear. They never returned to the white camp; but when sought they had fled, leaving the body of the boy, whom they murdered, to the wolves.

At length, in their awful extremity, the living were compelled to eat the bodies of the dead. This determination, says Myers, was unanimous, and was arrived at after consultation and prayer. The bodies of four children were first consumed, and eaten of sparingly, to make the hated food last as long as it might. But the time came when the body of Mr Chase was exhumed and prepared for eating. Before it had been tasted, succor arrived, the relief parties of the Indian agency and Captain Dent reaching the Owyhee, forty-five days after the attack on Snake River. When the troops came into this camp of misery, they threw themselves down on their faces and wept, and thought it a cruelty that Captain Dent would not permit them to scatter food without stint among the half-naked living skeletons stretched upon the ground, or that he should resist the cries of the wailing and emaciated children.

The family of Myers, Mrs Chase and one child, and Miss Trimble were all left alive at the camp on the Owyhee. Munson and Chaffey were also rescued, making twelve brought in by the troops. These with the three men who first reached the Columbia River were all that survived of a company of fifty-four per-

sons. Thirty-nine lives had been lost, a large amount of property wasted, and indescribable suffering endured for six weeks. When Captain Dent arrived with the rescued survivors at the Blue Mountains, they were already covered with snow, which a little later would have prevented his return.[21]

The Oregon legislature being in session when news of the Snake River massacre reached the Willamette Valley, Governor Whiteaker, in a special message, suggested that they memorialize the president, the secretary of war, and the commander of the department of Oregon, on the necessity for greater security of the immigration between forts Hall and Walla Walla. He reminded them that they had just passed through an Indian war from which the country was greatly depressed, and left it with the legislature to determine whether the state should undertake to chastise the Indians, or whether that duty should be left to the army.[22] Acting upon the governor's suggestion, a memorial was addressed to congress, asking for a temporary post at the Grand Rond, with a command of twenty-five men; another with a like command on Burnt River; and a permanent post at Boisé of not less than one company. These posts could be supplied from Walla Walla, which, since the opening of the country to settlement, had become a flourishing centre of business.[23] The troops at the two temporary posts of Grande Ronde and Burnt River could

[21] *Washington Standard*, Nov. 30, 1860; *Or. Statesman*, Nov. 26, 1860; *Portland Advertiser*, Nov. 7, 1860; *Hay's Scraps*, v. 191; *Or. Argus*, Nov. 24, 1860; *Olympia Pioneer and Democrat*, Oct. 19, 1860; *Ind. Aff. Rept*, 1861, 155; *U. S. H. Ex. Doc.* 46, vol. viii., 36th cong. 2d sess.; *Cong. Globe*, 1860–61, part ii. p. 1324–5; *Or. Jour. Senate*, 1860, 63; *Special Message of Gov. Whiteaker*, in *Or. Statesman*, Oct. 15, 1860; *S. F. Bulletin*, Nov. 14 and 23, 1860.

[22] *Or. Statesman*, Oct. 15, 1860.

[23] The beneficial results of the military post at Walla Walla, erected by order of General Wool in 1857, had been great. 'Where but recently the bones of our countrymen were bleaching on the ground, now all is quiet and our citizens are living in peace, cultivating the soil, and this year have harvested thousands of bushels of grain, vegetables are produced in abundance, mills have been erected, a village has sprung up, shops and stores have been opened, and civilization has accomplished wonderful results by the wise policy of the government.' Memorial to Cong., *Or. Laws*, 1860, ap. 2.

return to Fort Walla Walla to winter, and remain in garrison from November till May. Another permanent post at or near the Great Falls of Snake River, garrisoned by at least one full company, was asked for, where also an Indian agent should be stationed. This post it was believed would hold in check not only the Indians, but lawless white men, fugitives from justice, who consorted with them, and could be supplied from Fort Hall.

The same memorial urged that treaties should be made with all the Indians of Oregon, removing them to reservations; and asked for military posts at Warm Springs and Klamath Lake. In connection with these military establishments, the legislature recommended the construction of a military road from the foot of the Cascades of the Columbia to Fort Walla Walla, which should be passable when the Columbia was obstructed by ice. In a briefer memorial the secretary of war was informed of the want of military protection on the routes of immigration, and asked to establish three posts within the eastern borders of Oregon; namely, a four-company post at Fort Boisé; a two-company post on the Malheur River, for the purpose of protecting the new immigrant trail from Boisé to Eugene City; and a one-company post somewhere on Snake River between forts Boisé and Walla Walla. This memorial also asked that a military road be constructed on the trail leading from Eugene City to Boisé.[24]

The Umpqua district being attached to the department of California, it devolved on General Clarke in command to look after the southern route to Oregon. This he did by ordering Lieutenant A. Piper of the 3d artillery, stationed at Fort Umpqua, to take the

[24] The committee that prepared this memorial evidently was under the impression that Steen had completed a reconnoissance of the middle route, which was not the case, his time being chiefly spent, as Wright expressed it, in 'pursuing an invisible foe.' Steen's report was published by congress. See *Cong. Globe*, 1860–1, part ii., 1457.

field in southern Oregon with one company June 27th, and proceed to the Klamath Lake country to quiet disturbances there, occasioned by the generally hostile attitude of the Indians of northern California, Nevada, and southern Oregon at this time. Piper encamped at a point seventy-five miles west of Jacksonville, which he called Camp Day. In September a train of thirty-two wagons arrived there, which had escaped with no further molestation than the loss of some stock. Another train being behind, and it becoming known that a hundred Snake Indians were in the vicinity of Klamath Lake, under a chief named Howlack, sixty-five men were sent forward to their protection. They thus escaped evils intended for them, but which fell on others.

Successes such as had attended the hostile movements of the Snake Indians during the years of 1859–60 were likely to transform them from a cowardly and thieving into a warlike and murderous foe. The property obtained by them in that time amounted to many thousands of dollars, and being in arms, ammunition, horses, and cattle, placed them upon a war footing, which with their nomadic habits and knowledge of the country rendered them no despicable foe, as the officers and troops of the United States were yet to be compelled to acknowledge.[25]

[25] In the summer of 1858 G. H. Abbott, Indian agent, went into the Indian country, afterward known to military men as the Lake District, with a view to make treaties with the Snakes, Bannocks, Klamaths, and Modocs, the only tribes capable of making war, who had neither been conquered nor treated with, and selected a place for an agency north of the Klamath Lakes, and about 75 miles from Jacksonville in a north-easterly direction. On his return his party discovered the remains of five men, prospectors, who had been murdered, as it was believed, by Klamaths, on the head waters of Butte creek, the middle fork of Rogue River. They were Eli Tedford, whose body was burned, Robert Probst, James Crow, S. F. Conger, and James Brown. *Ind. Aff. Rept*, 1859, 391–2. A company of volunteers at once went in search of the murderers, three of whom, chiefly by the assistance of the agent, were apprehended, and whom the Klamaths voluntarily killed to prevent trouble; that tribe being now desirous of standing well with the U. S. government. Five other renegades from the conquered tribes of the Rogue River mountains were not captured. In June 1859 a prospecting party from Lane county was attacked on the head waters of the Malheur River, and two of the men wounded. They escaped with a loss of $7,000 or $8,000 worth of property. *Sac. Union*, July 7, 1860. Of the emigrants of 1859 who

The continual search for gold which had been going on in the Oregon territory both before and after its division[26] was being actively prosecuted at this time. An acquaintance with the precious metal in its native state having been acquired by the Oregon miners in California in 1848–9, reminded some of them that persons who had taken the Meek cut-off in 1845, while passing through the Malheur country had picked up an unfamiliar metal, which they had hammered out on a wagon-tire, and tossed into a tool-chest, but which was afterward lost. That metal they were now confident was gold, and men racked their brains to remember the identical spot where it was found; even going on an expedition to the Malheur in 1849 to look for it, but without success.

Partial discoveries in many parts of the country

took the southern route into the Klamath Lake valley, one small train was so completely cut off that their fate might never have been discovered but for the information furnished by a Klamath Indian, who related the affair to Abbott. The men and women were all killed at the moment of attack, and the children, reserved for slavery, were removed with their plunder to the island in Tule Lake, long famous as the refuge of the murderous Modocs. A few days later, seeing other emigrant trains passing, the Indians became apprehensive and killed their captives. Abbott made every effort to learn something more definite, but without success. By some of the Modocs it was denied; by others the crime was charged upon the Pit River Indians, and the actual criminals were never brought to light. In the summer of 1858, also, that worthy Oregon pioneer, Felix Scott, and seven others had been cut off by the Modocs, and a large amount of property captured or destroyed. Drew made a report on the Modocs, in *Ind. Aff. Rept*, 1863, 59, where he enumerates 112 victims of their hostility since 1852, and estimates the amount of property taken at not less than $300,000.

[26] As early as July 1850 two expeditions set out to explore for gold on the Spokane and Yakima rivers, *S. F. Pac. News*, July 24 and Oct. 10, 1850; but it was not found in quantities sufficient to cause any excitement. M. De Saint-Amant, an envoy of the French government, travelling in Oregon in 1851, remarked, page 365 of his book, that without doubt gold existed in the Yakima country, and added that the Indians daily found nuggets of the precious metal. He gave the same account of the Spokane country, but I doubt if his knowledge was gained from any more reliable source than rumor. There were similar reports of the Pend d'Oreille country in 1852. *Zabriskie's Land Law*, 823. In 1853 Captain George B. McClellan, then connected with the Pacific railroad survey, found traces of gold at the head-waters of the Yakima River. *Stevens' Narr.*, in *Pac. R. R. Rept*, xii. 140. In 1854 some mining was done on that river and also on the Wenatchie. *Or. Statesman*, June 20, 1854; *S. F. Alta*, June 13, 1854; and prospecting was begun on Burnt River in the autumn of the same year. *Ebey's Journal*, MS., ii. 39, 50, and also in the vicinity of The Dalles. *S. F. Alta*, Sept. 30, 1854. In 1855 there were discoveries near Colville, the rush to which place was interrupted by the Indian war. In 1857–8 followed the discoveries in British Columbia, and the Frazer River excitement.

north of the Columbia again in 1854 induced a fresh search for the 'lost diggings,' as the forgotten locality of the gold find in 1845 was called, which was as unsuccessful as the previous one. Such was the faith, however, of those who had handled the stray nugget, that parties resumed the search for the lost diggings, while yet the Indians in all the eastern territory were hostile, and mining was forbidden by the military authorities.[27] The search was stimulated by Wallen's report of his road expedition down the Malheur in 1859, gold being found on that stream; and in 1860 there was formed in Lane county the company before mentioned, which was attacked by the Snakes,[28] and robbed of several thousand dollars' worth of horses and supplies. In August 1861 still another company was organized to prosecute the search, but failed like the others; and breaking up, scattered in various parts of the country, a small number remaining to prospect on the John Day and Powder rivers, where sometime in the autumn good diggings were discovered.[29]

[27] In August 1857 James McBride, George L. Woods, Perry McCullock, Henry Moore, and three others, *Or. Argus*, Aug. 8, 1857, left The Dalles, intending to go to the Malheur, but were driven back by the Snake Indians, and fleeing westward, crossed the Cascade Mountains near the triple peaks of the Three Sisters, emerging into the Willamette Valley in a famishing condition. *Victor's Trail-making in Oregon*, in *Overland Monthly*. In August 1858 McBride organized a second expedition, consisting of 26 men, who after a month's search returned disappointed. *Or. Argus*, Sept. 18, 1858. Other attempts followed, but the exact locality of the lost diggings was never fixed.

[28] This party was led by Henry Martin, who organized another company the following year.

[29] There were three companies exploring in eastern Oregon in 1861; the one from Marion county is the one above referred to, seven men remaining after the departure of the principal part of the expedition. It appears that J. L. Adams was the actual discoverer of the John Day diggings, and one Marshall of the Powder River mines. The other companies were from Clackamas and Lane, and each embraced about 60 men. The Lane company prospected the Malheur unsuccessfully. In *Owen's Directory* the discovery of the John Day mines is incorrectly attributed to Californians. *Portland Advertiser*, in *Olympia Herald*, Nov. 7, 1861; *Portland Oregonian*, Nov. 7, 1861; *Sac. Union*, Nov. 16, 1861; *N. Y. Engineering and Mining Journal*, in *Portland D. Herald*, March 22, 1871; *Cal. Farmer*, Feb. 27, 1863. Previous to the announcement of the discoveries by the Oregon prospectors, E. D. Pierce returned to Walla Walla from an expedition of eight weeks in extent, performed with a party of 20 through the country on the west side of Snake River, taking in the Malheur, Burnt, Powder, and Grande Ronde rivers. He reported finding an extensive gold-field on these streams, with room for thousands of miners, who could make from three to fifteen dollars a day each.

Two men working half a day on Powder River cleaned up two and a half pounds of gold-dust. One claim yielded $6,000 in four days; and one pan of earth contained $150. These stories created the liveliest interest in every part of Oregon, and led to an immediate rush to the new gold-fields, though it was already November when the discovery was made known.

Taken in connection with the discoveries in the Nez Percé country, which preceded them by about a year and a half, these events proved that gold-fields extended from the southern boundary of Oregon to the British possessions. Already the migration to the Nez Percé, Oro Fino, and Salmon River mines had caused a great improvement in the country. It had excited a rapid growth in Portland and The Dalles,[30] and caused the organization of the Oregon Steam Navigation Company,[31] which in 1861 had steamboats carrying freight three times a week to

Pierce brought specimens of silver-bearing rocks to be assayed. About forty persons in Oct. had taken claims in the Grande Ronde Valley, prepared to winter there. *Portland Oregonian*, Aug. 27, 1861; *Or. Statesman*, Oct. 21, 1861; *S. F. Bulletin*, Oct. 24, 1861; *Sac. Union*, Nov. 4 and 16, 1861.

[30] Wasco county was assessed in 1863 $1,500,000, a gain of half a million since 1862, notwithstanding heavy losses by flood and snow. *Or. Argus*, Sept. 28, 1863.

[31] The *James P. Flint*, a small iron propeller, built in the east, was the first steamboat on the Columbia above the Cascades. She was hauled up over the rapids in 1852 to run to The Dalles, for the Bradford brothers, Daniel and Putnam. The Yakima war of 1855–6 gave the first real impulse to steamboating on the Columbia above the Willamette. The first steamer built to run to the Cascades was the *Belle*, owned by J. C. Ainsworth & Co., the next the *Fashion*, owned by J. O. Van Bergen. J. S. Ruckle soon after built the *Mountain Buck*. Others rapidly followed. In 1856 between the Cascades and The Dalles there were the *Mary* and the *Wasco*, built by the Bradfords. In 1857 there was no steamboat above The Dalles, and Captain Cram of the army confidently declared there never could be. I. J. Stevens contradicted this view, and a correspondence ensued. *Olympia Herald*, Dec. 24, 1858. In 1858 R. R. Thompson built a steamboat above the Cascades, called *The Venture*, which getting into the current was carried over the falls. She was repaired, named the *Umatilla*, and taken to Fraser River. In the autumn and winter of 1858–9, R. R. Thompson and Lawrence W. Coe built the *Colonel Wright* above The Dalles, which in spite of Cram's prognostics ran to Fort Walla Walla, to Priest's Rapids, and up Snake River. The *Hassaloe* was also put on the river between the Cascades and The Dalles in 1858, and below the Cascades the *Carrie A. Ladd*. There was at this time a horse-railroad at the portage on the north side of the Cascades, owned by Bradford & Co., built in 1853. In 1858 J. O. Van Bergen purchased the right of way on the south side of the Cascades, and began a tramway, like that on the north side, but used in connection with his steamers. Subse-

The Dalles for the country beyond. Walla Walla had grown to be a thriving town and an outfitting station for miners, where horses, cattle, saddles, har-

quently J. S. Ruckle and Henry Olmstead purchased it to complete their line to The Dalles. At this stage of progress a company was formed by Ainsworth, Ruckle, and Bradford & Co., their common property being the *Carrie A. Ladd*, *Señorita*, *Belle*, *Mountain Buck*, another small steamer running to The Dalles, and five miles of horse-railroad on the north side of the river. The company styled itself the Union Transportation Company, and soon purchased the *Independence* and *Wasco*, owned by Alexander Ankeny, and the *James P. Flint* and *Fashion*, owned by J. O. Van Bergen.

As there was no law in Oregon at this time under which corporations could be established, the above-named company obtained from the legislature of Washington an act incorporating it under the name of the Oregon Steam Navigation Company. When the Oregon legislature passed a general incorporation act granting the same privileges enjoyed under the Washington law, the company was incorporated under it, and paid taxes in Oregon. In 1861 the railroad portage on the south side of the Cascades was completed, and the following year the O. S. N. Co. purchased it, laying down iron rails and putting on a locomotive built at the Vulcan foundery of S. F. The first train run over the road was on April 20, 1863, and the same day the railroad portage from The Dalles to Celilo was opened. Meantime the O. S. N. Co. had consolidated with Thompson and Coe above The Dalles in 1861, and now became a powerful monopoly, controlling the navigation of the Columbia above the Willamette. Their charges for passage and freight were always as high as they would stand, this being the principle on which charges were regulated, rather than the cost of transportation.

In 1863 the People's Transportation Company built the *E. D. Baker* to run to the Cascades; another, the *Iris*, between the Cascades and The Dalles; and a third, the *Cayuse*, above The Dalles. They lost the contract for carrying the government freight, and the O. S. N. Co. so reduced their rates as to leave the opposition small profits in competition. A compromise was effected by purchasing the property of the people's line above the Cascades, paying for the *Cayuse* and *Iris* in three boats running between Portland and Oregon City, and $10,000; the O. S. N. Co. to have the exclusive navigation of the Columbia and the people's line to confine their business to the Willamette, above Portland. In 1865 all the boats on the lower Columbia were purchased. In 1879 the O. S. N. Co. sold its interests, which had greatly multiplied and increased, to the Oregon Railway and Navigation Company, a corporation which included river, ocean, and railroad transportation, and which represented many millions of capital. Ainsworth formerly commanded a Mississippi River steamboat. Ruckle came to Oregon in 1855, and became captain of Van Bergen's boat, the *Fashion*. Then he built a boat for himself, the *Mountain Buck*, and then the railroad portage. He was a successful projector, and made money in various ways. In 1864–5 he assisted George Thomas and others to construct a stage road over the Blue Mountains; and also engaged in quartz mining, developing the famous Rockfellow lode between Powder and Burnt rivers, which was later the Virtue mine. S. G. Reed came from Massachusetts to Oregon about 1851. He was keeping a small store at Rainier in 1853, but soon removed to Portland, where he became a member of the O. S. N. Co. in a few years. He has given much attention to the raising of fine-blooded stock on his farm in Washington county. *Parker's Puget Sound*, MS., 1; Dalles *Inland Empire*, Dec. 28, 1878. John H. Wolf commanded *The Cascades;* John Babbage the *Julia* and the *Emma Hayward;* J. McNulty the *Hassaloe* and *Mountain Queen*. Thomas J. Stump could run The Dalles and the Cascades at a certain stage of water with a steamboat. Other steamboat men were Samuel D. Holmes, Sebastian Miller. Leonard

ness, clothing, and provisions were required in large quantities and sold at high prices. Lewiston had also sprung up at the junction of the Clearwater and Snake rivers, besides several mining towns in the gold-fields to the east. Nor were mining and cattle-raising the only industries to which eastern Oregon and Washington proved to be adapted. Contrary to the generally received notion of the nature of the soil of these grassy plains, the ground, wherever it was cultivated, raised abundant crops, and agriculture became at once a prominent and remunerative occupation of the settlers, who found in the mines a ready market. But down to the close of 1861, when the John Day and Powder River mines were discovered, the benefits of the great improvements which I have mentioned had accrued chiefly to Washington, although founded with the money of Oregonians, a state of things which did not fail to call forth invidious comment by the press of Oregon. But now it was anticipated that the state was to reap a golden harvest from her own soil, and preparations were made in every part of the Pacific coast for a grand movement in the spring toward the new land of promise.

Before the vivid anticipations of the gold-hunters could be realized a new form of calamity had come.

White, W. P. Gray, Ephraim Baughman of the *E. D. Baker* and later of the O. S. N. Co.'s boats above The Dalles; Josiah Myrick of the *Wilson G. Hunt* and other boats; James Strang of the *Rescue* and *Wenat;* Joseph Kellogg of the *Rescue* and the *Kellogg;* William Smith of the *Wenat;* William Turnbull of the *Fannie Troup;* Richard Hobson of the *Josie McNear;* James M. Gilman and Sherwood of the *Annie Stewart;* Gray, Felton, and Holman, whose names are associated with the ante-railroad days of transportation in Oregon. See *McCracken's Early Steamboating*, MS.; *Deady's Hist. Or.*, MS.; *Deady's Scrap-book; Or. Argus*, Feb. 22, 1862; *Portland Oregonian*, Dec. 25, 1864, and July 31, 1865; *Or. Statesman*, April 7, 1862; *Olympia Pioneer and Democrat*, Sept. 10, 1858; *Olympia Herald*, Sept. 10, 1858; *Land Off. Rept*, 1867, 69; *U. S. Sec. War Rept*, ii. 509–11, 40th cong. 2d sess.; *Cong. Globe*, 1865–6, pt v. ap. 317, 39th cong. 1st sess.; *Or. City Enterprise*, Dec. 29, 1866; *Dalles Mountaineer*, Jan. 19, 1866; *Rusling's Across America*, 231, 250; *S. F. Bulletin*, July 20, 1858; *S. F. Alta*, March 4, 1862; *Or. Laws*, 1860, ap. 2; *Census*, 8th, 331; *Ford's Road-makers*, MS., 31; *Or. Reports*, iii. 169–70; *McCormick's Portland Directory*, 1872, 30–1; *Or. Deutsch Zeitung*, June 21, 1879; *Portland Standard*, July 4, 1879; *Astorian*, July 11, 1879; *Portland Oregonian*, April 20 and June 15, 1878; *Richardson's Mississ.*, 401; *Owen's Directory*, 1865, 141; *Bowles' Northwest*, 482–3.

Toward the last of November a deluge of rain began, which, being protracted for several days, inundated all the valleys west of the Sierra Nevada and Cascade ranges, from southern California to northern Washington, destroying the accumulations of years of industry. No flood approaching it in volume had been witnessed since the winter of 1844. All over the Willamette the country was covered with the wreckage of houses, barns, bridges, and fencing; while cattle, small stock, storehouses of grain, mills, and other property were washed away. A number of lives were lost, and many imperilled. In the streets of Salem the river ran in a current four feet deep for a quarter of a mile in breadth. At Oregon City all the mills, the breakwater, and hoisting works of the Milling and Transportation Company, the foundery, the Oregon Hotel, and many more structures were destroyed and carried away. Linn City was swept clean of buildings, and Canemah laid waste. Champoeg had no houses left; and so on up the river, everywhere.[32] The Umpqua River rose until it carried away the whole of lower Scottsburg, with all the mills and improvements on the main river, and the rains destroyed the military road on which had been expended fifty thousand dollars.[33] The weather continued stormy, and toward christmas the rain turned to snow, the cold being unusual. On the 13th of January there had been no overland mail from California for more than six weeks, the Columbia was blocked with ice, which came down from its upper branches, and no steamers could reach Portland from the ocean, while there was no communication by land or water with eastern Oregon and Washington; which state of things lasted until the 20th, when the ice in the Willamette and elsewhere began breaking up, and the cold relaxed.

[32] In the following summer the first saw-mill was erected at Gardiner.

[33] *Or. Statesman*, Dec. 9 and 16, 1861. The rain-fall from October to March was 71.60 inches. *Id.*, May 19, 1862.

Such a season as this coming upon miners and travellers in the sparsely settled upper country was sure to occasion disaster. It strewed the plains with dead men, whose remains were washed down by the next summer's flood, and destroyed as many as twenty-five thousand cattle. A herder on the Tucannon froze to death with all the animals in his charge. Travellers lay down by the wayside and slept the sleep that is dreamless. A sad tale is told of the pioneers of the John Day mines, who were wintering at the base of the Blue mountains to be ready for the opening of spring, many of whom were murdered and their bodies eaten by the Snakes.[34]

The flood and cold of winter were followed in May by another flood, caused by the rapid melting of the large body of snow in the upper country. The water rose at The Dalles several feet over the principal streets, and the back-water from the Columbia overflowed the lower portion of Portland. On the 14th of June the river was twenty-eight feet above low-water mark. The damages sustained along the Columbia were estimated at more than a hundred thousand dollars, although the Columbia Valley was almost in its wild state. Added to the losses of the winter, the whole country had sustained great injury. On the other hand, there was a prospect of rapidly recovering from the natural depression. The John Day mines were said by old California miners to be the richest yet discovered. This does not seem to have proved true as compared with Salmon River; but they were undoubtedly rich. By the 1st of July there were nearly a thousand persons mining and trading on the head waters of this river. New discoveries were made on Granite Creek, the north branch of the North Fork of John Day, later in the season,

[34] Of the perilous and fatal adventures of a party of express messengers and travellers in this region, John D. James, J. E. Jagger, Moody, Gay, Niles, Jeffries, Wilson, Bolton, and others, also of a party bound for the John Day River mines, full details are given in *California Inter Pocula*, this series.

which yielded from twenty to fifty dollars a day. Nor were the mines the sole attraction of this region: the country itself was eagerly seized upon; almost every quarter-section of land along the streams was claimed and had a cabin erected upon it,[35] with every preparation for a permanent residence.

About a dozen men wintered in the Powder River Valley, not suffering cold or annoyed by Indians. This valley was found to contain a large amount of fertile land capable of sustaining a large population. It was bounded by a high range of granite mountains, rising precipitously from the western edge of the basin, while on the north and south it was shut in by high rolling hills covered with nutritious grass. To the east rose a lower range of the same rolling hills, beyond which towered another granite ridge similar to that on the west. The river received its numerous tributaries, rising in the south and west, and united them in one on the north-east side of the valley, thus furnishing an abundance of water-courses throughout.

In this charming locality, where a little handful of miners hibernated for several months, cut off from all the world, in less than four months after the snow blockade was raised a thriving town had sprung up and a new county was organized, a hundred votes being cast at the June election, and the returns being made to the secretary of state as "the vote of Baker county."[36] The Grand Rond Valley had always been the admiration of travellers. A por-

[35] *Ebey's Journal*, MS., viii. 237-8.

[36] 'They assumed to organize,' said the *Statesman* of June 23, 1862, 'and named the precincts Union and Auburn, and elected officers. One precinct made returns properly from Wasco county.' The legislative assembly in the following September organized the county of Baker legally by act. Sydney Abell was the first justice of the peace. He died in May 1863, being over 50 years of age. He was formerly from Springfield, Ill., but more recently from Marysville, Cal. *Portland Oregonian*, May 28, 1863. At the first municipal election of Auburn Jacob Norcross was elected mayor; O. M. Rowe recorder; J. J. Dooley treasurer; A. C. Lowring, D. A. Johnson, J. Lovell, D. M. Belknap, J. R. Totman, aldermen. *Or. Statesman*, Nov. 17, 1862. Umatilla county was also established in 1862.

tion of the immigration of 1843 had desired to settle here, but was prevented by its distance from a base of supplies. Every subsequent immigration had looked upon it with envying eyes, but had been deterred by various circumstances from settling in it. It was the discovery of gold, after all, which made it practicable to inhabit it. In the winter of 1861–2 a mill site had been selected, and there were five log houses erected all at one point for greater security from the incursions of the Snake Indians, and the embryo city was called La Grande. It had at this date twenty inhabitants, ten of whom were men. It grew rapidly for three or four years, being incorported in 1864,[37] and after the first flush of the mining fever, settled down to steady if slow advancement.

The pioneers of Grand Rond suffered none of those hardships from severe weather experienced in the John Day region or at Walla Walla. Only eighteen inches of snow fell in January, which disappeared in a few days, leaving the meadows green for their cattle to graze on. La Grande had another advantage: it was on the immigrant road, which gave it communication with the Columbia. Another road was being opened eastward fifty miles to the Snake River, on a direct course to the Salmon River mines; and a road was also opened in the previous November from the western foot of the Blue Mountains to the Grande Ronde Valley, which was to be extended to the Powder River Valley.[38]

[37] *Owens' Directory*, 1865, 140; *Or. Jour. House*, 1864, 83. The French voyageurs sometimes called the Grand Rond, La Grande Vallée, and the American settlers subsequently adopted the adjective as a name for their town, instead of the longer phrase *Ville de la Grande Vallée*, which was meant.

[38] The last road mentioned was one stipulated for in the treaty of 1855 with the Cayuse and Umatilla Indians, which should be 'located and opened from Powder River or Grand Rond to the western base of the Blue Mountains, south of the southern limits of the reservations.' The explorations were made under the direction of H. G. Thornton, by order of Wm H. Rector. The distance by this road from the base to the summit is sixteen miles; from the summit to Grand Rond River, eighteen miles; and down the river to the old emigrant road, twelve miles. It first touched the Grand Rond

Such was the magical growth of a country four hundred miles from the seaboard, and but recently opened to settlement. In twenty years it had become a rich and populous agricultural region, holding its mining resources as secondary to the cultivation of the soil.

River about midway between Grand Rond and Powder River valley, and turned south to the latter from this point. *Ind. Aff. Rept*, 1861, 154; *Portland Oregonian*, Feb. 6, 1862.

CHAPTER XX.

MILITARY ORGANIZATION AND OPERATIONS.

1861-1865.

APPROPRIATION ASKED FOR—GENERAL WRIGHT—SIX COMPANIES RAISED—ATTITUDE TOWARD SECESSIONISTS—FIRST OREGON CAVALRY—EXPEDITIONS OF MAURY, DRAKE, AND CURRY—FORT BOISÉ ESTABLISHED—RECONNOISSANCE OF DREW—TREATY WITH THE KLAMATHS AND MODOCS—ACTION OF THE LEGISLATURE—FIRST INFANTRY OREGON VOLUNTEERS.

SOMETIME during the autumn or winter of 1860 the military department of Oregon was merged in that of the Pacific, Brigadier-general E. V. Sumner commanding; Colonel Wright retaining his position of commander of the district of Oregon and Washington. The regular force in the country being much reduced by the drafts made upon it to increase the army in the east,[1] Wright apologized for the abandoment of the country by troops at a time when Indian wars and disunion intrigue made them seem indispensable, but declared that every minor consideration must give way to the preservation of the union.[2]

Fearing lest the emigrant route might be left unprotected, a call was made by the people of Walla

[1] There were only about 700 men and 19 commissioned officers left in the whole of Oregon and Washington in 1861. The garrisons left were 111 men under Captain H. M. Black at Vancouver; 116 men under Maj. Lugenbeel at Colville; 127 men under Maj. Steen at Walla Walla; 41 men under Capt. Van Voast at Cascades; 43 men under Capt. F. T. Dent at Hoskins; 110 men at the two posts of Steilacoom and Camp Picket; and 54 men under Lieut-colonel Buchanan at The Dalles. *U. S. Sen. Doc.*, 1, vol. ii. 32, 37th cong. 2d sess. Even the revenue cutter *Jo Lane* belonging to Astoria was ordered to New York. *Or. Argus*, June 29, 1861.

[2] See letter in *Or. Statesman*, July 1, 1861.

Walla Valley to form a company to guard the immigration, a plan which was abandoned on learning that congress had made an appropriation asked for by the legislature of $50,000 for the purpose of furnishing an escort.[3]

Although no violent outbreaks occurred in 1861, both the people and the military authorities were apprehensive that the Indians, learning that civil war existed, and seeing that the soldiery were withdrawn, might return to hostilities, the opportunities offered by the numerous small parties of miners travelling to and fro heightening the temptation and the danger.[4] Some color was given to these fears by the conduct of the Indians on the coast reservation, who, finding Fort Umpqua abandoned, raised an insurrection, took possession of the storehouse at the agency, and attempted to return to their former country. They were however prevented carrying out their scheme, only the leaders escaping, and the guard at Fort Hoskins was strengthened by a small detachment from Fort Yamhill. Several murders having been committed in the Modoc, Pit River, and Pah Ute country, a company of forty men under Lindsey Applegate, who had been appointed special Indian agent, went to the protection of travellers through that region, and none too soon to prevent the destruction of a train of immigrants at Bloody Point, where they were found surrounded.[5] On the appearance of Applegate's com-

[3] *Or. Argus*, June 15, 1861; *Cong. Globe*, 1860–1, pt ii. 1213, 36th cong. 2d sess.; *Id.*, 1324–5; *Id.*, app. 362.

[4] On the Barlow route to The Dalles the Tyghe Indians from the Warm Spring reservation murdered several travellers in the month of July. Among the killed were Jarvis Briggs, and his son aged 28 years, residents of Linn county, and pioneers of Oregon, from Terre Haute, Indiana. *Or. Statesman*, Aug. 26, 1861. The murderers of these two were apprehended and hanged. The Pit River Indians and Modocs killed Joseph Bailey, member elect to the Oregon legislature, in August, while driving a herd of 800 cattle to the Nevada mines. Bailey was a large and athletic man, and fought desperately for his life, killing several Indians after he was wounded. Samuel Evans and John Sims were also killed, the remainder of the party escaping. *Or. Statesman*, Aug. 19, 1861.

[5] *Ind. Aff. Rept*, 1863, 59; *Portland Oregonian*, Aug. 27, 1861; *O. C. Applegate's Modoc Hist.*, MS., 17. Present at this ambush were some of the Modocs celebrated afterward in the war of 1872–3; namely, Sconchin, Scarface, Black Jim, and others.

pany the Modocs retreated, and no further violence occurred during the season. In anticipation of similar occurrences, Colonel Wright in June 1861 made a requisition upon Governor Whiteaker for a cavalry company. It was proposed that the company be enlisted for three years, unless sooner discharged, and mustered into the service of the United States, with the pay and according to the rules and regulations of the regular army, with the exception that the company should furnish its own horses, for which they would receive compensation for use or loss in service. A. P. Dennison, former Indian agent at The Dalles, was appointed enrolling officer; but the suspicion which attached to him, as well as to the governor, of sympathy with the rebellion, hindered the success of the undertaking, which finally was ordered discontinued,[6] and the enlisted men were disbanded.

In the mean time Wright was transferred to California to take the command of troops in the southern part of that state, for the suppression of rebellion, while Lieutenant-colonel Albemarle Cady, of the 7th infantry, was assigned to the command of the district of Oregon. Soon after, Wright was made brigadier-general, and placed in command of the department of the Pacific.[7] As troops were withdrawn from the

[6] *Or. Statesman*, June 17 and Oct. 21, 1861; *Or. Jour. House*, 1862, app. 22-4.

[7] He was a native of Vt, graduated from West Point in 1822, and was promoted to the rank of 2d lieut in the 3d inf. in July, and to the rank of 1st lieut in Sept. of the same year. He served in the west, principally at Jefferson Barracks, Mo., and in Indian campaigns on the frontier, until 1831, when he was transferred to La, with the 3d inf., occupying the position of adj. to that reg. until 1836, when he was promoted to a captaincy in the 8th inf. He served through the Florida war, and under the command of Gen. Taylor, fought at Palo Alto and Resaca de la Palma in Mexico, after which he was transferred to Scott's command. He received three brevets for gallant services before being promoted to the rank of maj., one in the Florida war, one after the battles of Contreras and Churubusco, Mexico, and the last, that of col, after the battle of Molino del Rey. Wright came to the Pacific coast with the 5th inf. in 1852, holding the rank of maj., and was promoted to a colonelcy Feb. 3, 1855, and the following month was appointed to command the reg. of 9th inf., for which provision had just been made by congress. He went east, raised his regiment, and returned in Jan. 1856, when he was ordered to Or. and Wash. He remained in that military district, as we have seen, until the summer of 1861. In Sept. he was ordered to S. F., and soon after relieved Gen. Sumner in the command of the department of the Pacific,

several posts in Oregon and Washington he replaced them with volunteer companies from California. On the 28th of October 350 volunteer troops arrived at Vancouver and were sent to garrison forts Yamhill and Steilacoom. On the 20th of November five companies arrived under the command of Major Curtis, two of which were despatched to Fort Colville, and two to Fort Walla Walla, one remaining at The Dalles.[8]

The attempt to enlist men through the state authorities having failed, the war department in November made Thomas R. Cornelius colonel, and directed him to raise ten companies of cavalry for the service of the United States for three years; this regiment being, as it was supposed, a portion of the 500,000 whose enlistment was authorized by the last congress. R. F. Maury was commissioned lieutenant-colonel, Benjamin F. Harding quartermaster, C. S. Drew major, and J. S. Rinearson junior major. Volunteers for themselves and horses were to receive thirty-one dollars a month, $100 bounty at the expiration of service, and a land warrant of 160 acres. Notwithstanding wages on farms and in the mines were high, men enlisted in the hope of going east to fight.[9] Six

being appointed brig.-gen. on the 28th Sept. He remained in command till 1865, when, being transferred to the reëstablished Oregon department, he took passage on the ill-fated *Brother Jonathan*, which foundered near Crescent City July 9, 1865, when Wright, his wife, the captain of the ship, De Wolf, and 300 passengers were drowned. *North Pacific Review*, i. 216–17.

[8] *S. F. Alta*, Nov. 3 and 14, 1861; *Sac. Union*, Nov. 16 and 25, 1861. The officers at Walla Walla were Capt. W. T. McGruder, 1st dragoons, lieuts Reno and Wheeler, and surgeon Thomas A. McParlin. Capts A. Rowell and West, of the 4th Cal. reg., were stationed at The Dalles. *Or. Statesman*, Aug. 11 and Dec. 2, 1861.

[9] Says J. A. Waymire: 'It was thought as soon as we should become disciplined, if the war should continue, we would be taken east, should there be no war on this coast. For my own part, I should have gone to the army of the Missouri but for this understanding.' *Historical Correspondence*, MS. Camps were established in Jackson, Marion, and Clackamas counties. The first company, A, was raised in Jackson county, Capt. T. S. Harris. The second, B, in Marion, Capt. E. J. Harding. Company C was raised at Vancouver by Capt. William Kelly. D company was raised in Jackson county by Capt. S. Truax; company E by Capt. George B. Curry, in Wasco county; and company F, of the southern battalion, by Capt. William J. Matthews, principally in Josephine county. Captains D. P. Thompson, of Oregon City, and Remick Cowles, of Umpqua county, also raised companies,

companies being fully organized, the regiment was ordered to Vancouver about the last of May 1862, where it was clothed with United States uniforms, and armed with old-fashioned muzzle-loading rifles, pistols, and sabres; after which it proceeded to The Dalles.

On the 3d of June, Colonel Cornelius arrived at Fort Walla Walla with companies B and E, and took command of that post. About two weeks later the three southern companies followed, making a force of 600. The necessity for some military force at home was not altogether unfelt. The early reverses of the federal army gave encouragement to secession on the Pacific coast. General Wright, on the 30th of April, 1862, issued an order confiscating the property of rebels within the limits of his department, and making sales or transfers of land by such persons illegal.[10] Government officers refused to purchase forage or provisions from disloyal firms; and disloyal newspapers were excluded from the mails.[11]

or parts of companies. *Brown's Autobiography*, MS., 47; Letter of Lieut Waymire, in *Historical Correspondence*, MS.; *Rhinehart's Oregon Cavalry*, MS., 1-2.

[10] A circular was issued from the land office at Washington confining grants of land to persons 'loyal to the United States, and to such only;' and requiring all surveyors and preëmptors to take the oath of allegiance. *Or. Argus*, March 8, 1862; *Or. Statesman*, March 3, 1862.

[11] The *Albany Democrat* was excluded from the mails; also the *Southern Oregon Gazette*, the *Eugene Democratic Register*, and next the *Albany Inquirer*, followed by the *Portland Advertiser*, published by S. J. McCormick, and the *Corvallis Union*, conducted by Patrick J. Malone. W. G. T'Vault started a secession journal at Jacksonville in November 1862, called the *Oregon Intelligencer*. The *Albany Democrat* resumed publication by permission, under the charge of James O'Meara in the early part of February 1863. In May O'Meara revived the *Eugene Register*, under the name of *Democratic Review*. The *Democratic State Journal* at The Dalles was sold in 1863 to W. W. Bancroft, and changed to a union paper, in Idaho. Union journals were started about this time; among them *The State Republican*, at Eugene City, was first published by Shaw & Davis on the materials of the *People's Press*, in January 1862, edited by J. M. Gale, and the *Union Crusader* at the same place, by A. C. Edmonds, in October, changed in a month to *The Herald of Reform*. The first daily published in Oregon was the *Portland News*, April 18, 1859; S. A. English & Co. The *Portland Daily Times* was first issued Dec. 19, 1860, and the *Portland Daily Oregonian*, Feb. 4, 1861. The first newspaper east of The Dalles was the *Mountain Sentinel*, a weekly journal started at La Grande in October 1864, by E. S. McComas. In the spring of 1865 the *Tri-Weekly Advertiser* was started at Umatilla on the materials of the Portland *Times*, and the following year a democratic journal, the *Columbia*

The 1st Oregon cavalry remained at Walla Walla with little or nothing to do until the 28th of July. In the mean time Cornelius resigned, and Colonel Steinberger of the Washington regiment took command.[12] It had been designed that a portion of the Oregon regiment should make an expedition to meet and escort the immigration, and if possible to arrest and punish the murderers of the immigrants in the autumn of 1860. General Alvord ordered Lieutenant-colonel Maury, with the companies of Harris, Harding, and Truax, to proceed upon the errand.[13]

The history of the 1st Oregon cavalry from 1862 to 1865 is the history of Indian raids upon the mining and new farming settlements, and of scouting and fighting by the several companies. Like the volunteers of southern Oregon, they were called upon to guard roads, escort trains, pursue robber bands to their strongholds, avenge murders,[14] and to make explorations of the country, much of which was still unknown.

In January 1863 a call was made for six companies of volunteers to fill up the 1st regiment of Oregon cavalry, notwithstanding a very thorough militia organization had been effected under the militia law of 1862, which gave the governor great discretionary power and placed several regiments at his disposal. The work of recruiting progressed slowly, the dis-

Press, by J. C. Dow and T. W. Avery. Neither continued long. Other ephemeral publications appeared at Salem, Portland, and elsewhere. In 1865 Oregon had well established 9 weekly and 3 daily journals.

[12] Colonel Justin Steinberger was of Pierce county, Washington Territory. He raised 4 companies of his regiment in California, and arrived with them at Vancouver on the 4th of May, relieving Colonel Cady of the command of the district. In July Brigadier-general Alvord arrived at Vancouver to take command of the district of Oregon, and Steinberger repaired to Walla Walla. *Olympia Herald*, Jan. 28, March 20, April 17, 1862; *Olympia Standard*, Aug. 9, 1862; *Or. Statesman*, June 30, 1862.

[13] The immigration of 1862 has been placed by some writers as high as 30,000, and probably reached 26,000. Of these 10,000 went to Oregon, 8,000 to Utah, 8,000 to California. *Olympia Standard*, Oct. 11 and 25, 1862. The greater portion of the so-called Oregon immigration settled in the mining region east of the Snake River and in the valleys of Grande Ronde, Powder River, John Day, and Walla Walla.

[14] The fate of many small parties must forever remain unknown.

engaged men of the state who had not enlisted being absent in the mines. One company only was raised during the summer, and it began to be feared that a draft would be resorted to, Provost Marshal J. M. Keeler having been sent to Oregon to make an enrolment.

The situation of Oregon at this time was peculiar, and not without danger. The sympathy of England and France with the cause of the states in rebellion, the unsettled question of the north-western portion of the United States boundary, known as the San Juan question, the action of the French government in setting up an empire in Mexico, taken together with the fact that no forts or defences existed on the coast of Oregon and Washington, that there was a constantly increasing element of disloyalty upon the eastern and southern borders, as well as in its midst, which might at any time combine with a foreign power or with the Indians—all contributed to a feeling of uneasiness.

Oregon had not raised her share of troops for the service of the United States, and had but seven companies in the field, while California had nearly nine regiments. California had volunteers in every part of the Pacific States, even in the Willamette Valley. Troops were needed to serve on Oregon soil, and to protect the Oregon frontier. A post was needed at Boisé to protect the immigration, and an expedition against the Snakes was required. Everything was done to stimulate a military spirit. By the militia law, the governor, adjutant-general, and secretary of state constituted a board of military auditors to audit all reasonable expenses incurred by volunteer companies in the service of the state. This board publicly offered premiums for perfection in drill, the test to be made at the time of holding the state fair at Salem.

The war department had at length consented to allow posts to be established at Boisé, and at some

point between the Klamath and Goose Lakes, near the southern immigrant road; and in the spring of 1863 Major Drew, who in May was promoted to the rank of lieutenant-colonel of the 1st Oregon cavalry, sent Captain Kelly with company C to construct and garrison Fort Klamath. The remainder of the regiment was employed in the Walla Walla and Nez Percé country in keeping peace between the white people and Indians, and in pursuing and arresting highwaymen, whiskey-sellers, and horse-thieves, with which the whole upper country was infested at this period of its history, and who could seldom be arrested without the assistance of the cavalry, whose horses they kept worn down by long marches to recover both private and government property.

On the 13th of June an expedition set out, whose object was to find and punish the Snakes, consisting of companies A, D, and E, with a train of 150 pack-mules under Colonel Maury from the Lapwai agency. Following the trail to the Salmon River mines, they passed over a rugged country to Little Salmon River, and thence over a timbered mountain ridge to the head waters of the Payette.[15] The command then proceeded by easy marches to Boisé River to meet Major Lugenbeel, who had left Walla Walla June 10th by the immigrant road to establish a government post on that river near the line of travel. On July 1st, the day before Maury's arrival, the site of the fort was selected about forty miles above the old Hudson's Bay Company's fort, and near the site of the present Boisé City.[16] While at the encampment

[15] *Or. Argus*, July 27, 1863, contains a good description of this country, by J. T. Apperson, lieutenant.

[16] The immigration of 1863 was escorted, as that of the previous year had been, by a volunteer company under Captain Medorum Crawford, who went east to organize it, congress having appropriated $30,000 to meet the expense; $10,000 of which was for the protection of emigrants by the Fort Benton and Mullan wagon-road route. See *Cong. Globe*, 1862–3, part ii. app. 182, 37th cong. 3d sess.; letter of J. R. McBride, in *Or. Argus*, May 16, 1863. The immigration was much less than in the previous year, only about 400 wagons. Among them was a large train bound for the town of Aurora, founded by

on Salmon Falls Creek, Curry with twenty men made an expedition across the barren region between Snake River and the Goose Creek Mountains,[17] toward the Owyhee, through a country never before explored. At the same time the main command proceeded along to Bruneau River, on which stream, after a separation of eleven days, it was rejoined by Curry, who had travelled four hundred miles over a rough volcanic region.[18] After an expedition by Lieutenant Waymire[19] up Bruneau River, the troops returned to Fort Walla Walla, where they arrived on the 26th of October.

In March Maury was promoted to the colonelcy of the regiment, C. S. Drew to be lieutenant-colonel, and S. Truax to be major. Rhinehart was made regimental adjutant, with the rank of captain, and took command of company A, Harris having resigned at the close of the Snake River expedition. Rinearson was stationed at Fort Boisé to complete its construction. Lieutenants Caldwell, Drake, and Small were promoted to the rank of captain; second lieutenants Hopkins, Hobart, McCall, Steele, Hand, and Underwood to the rank of first lieutenants. Those who had been promoted from the ranks were Waymire, Pepoon, Bowen, and James L. Curry.

The first expedition in the field in 1864 was one under Lieutenant Waymire consisting of twenty-six men, which left The Dalles on the 1st of March, en-

Dr Keil in Marion county several years before, upon the community system. *Deady's Hist. Or.*, MS., 78.

[17] The reports of the expedition and the published maps do not agree. The latter place the Goose Creek Mountains to the south-east. Captain Curry, however, travelled south-west toward a chain of mountains nearly parallel with the range mentioned, which on the map is not distinguished by a name, in which the Bruneau and Owyhee rivers take their rise.

[18] Curry says: 'With the exception of two camps made near the summit of Goose Creek Mountains, the remainder were made in fissures in the earth so deep that neither the pole star nor the 7-pointers could be seen.' The whole of Curry's report of this expedition is interesting and well written. See *Rept of Adjutant Gen. of Or.*, 1866, 28.

[19] Waymire, in *Historical Correspondence*, MS.; S. F. *Evening Post*, Oct. 28, 1882.

camping on the 17th on the south fork of John Day River, thirty-three miles from Cañon City. This temporary station was called Camp Lincoln. From this point he pursued a band of Indian horse-thieves to Harney Lake Valley, where he found before him in the field a party of miners under C. H. Miller.[20] The united force continued the search, and in three days came upon two hundred Indians, whom they fought, killing some, but achieving no signal success. Early in June, General Alvord made a requisition upon Governor Gibbs for a company of forty mounted men, to be upon the same footing and to act as a detachment of the 1st Oregon cavalry, for the purpose of guarding the Cañon City road. The proclamation was made, and Nathan Olney of The Dalles appointed recruiting officer, with the rank of 2d lieutenant. The term of service required was only four months, or until the cavalry which was in the field should have returned to the forts in the neighborhood of the settlements and mines. The people of The Dalles, whose interests suffered by the frequent raids of the Indians, offered to make up a bounty in addition to the pay of the government. The company was raised, and left The Dalles July 19th, to patrol the road between The Dalles and the company of Captain Caldwell, which performed this duty on the south fork of John Day River.

In the summer of 1864 every man of the Oregon cavalry was in the field. Immediately after Lieutenant Waymire's expedition a larger one, consisting of companies D, G, and part of B, was ordered to Crooked River, there to establish headquarters. With them went twenty-five scouts from the Warm Spring reservation, under Donald McKay, half-brother of W. C. McKay. This force left The Dalles April 20th, under the command of Captain Drake,

[20] Joaquin Miller, author subsequently of several poetical works, stories, and plays. He had but lately been editor of the *Democratic Register* of Eugene City, which was suppressed by order of Col. Wright for promulgating disloyal sentiments.

being reënforced at Warm Spring by Small's company from Vancouver, and arriving at Steen's old camp May 17th, where a depot was made, and the place called Camp Maury. It was situated three miles from Crooked River, near its juncture with Des Chutes, in a small cañon heavily timbered with pine, and abundantly watered by cold mountain springs. The scouts soon discovered a camp of the enemy about fourteen miles to the east, who had with them a large number of horses. Lieutenants McCall and Watson, with thirty-five men and some of the Indian scouts, set out at ten o'clock at night to surround and surprise the savages, but when day dawned it was discovered that they were strongly intrenched behind the rocks. McCall directed Watson to advance on the front with his men, while he and McKay attacked on both flanks. Watson executed his duty promptly, but McCall, being detained by the capture of a herd of horses, was diverted from the main attack. On hearing Watson's fire he hastened on, but finding himself in the range of the guns had to make a detour, which lengthened the delay. In the mean time the Indians concentrated their fire on those who first attacked, and Watson was shot through the heart while cheering on his men, two of whom were killed beside him, and five others wounded. The Indians made their escape. On the 20th of May Waymire, who had relieved Watson at Warm Spring, was ordered to join Drake's command, and on the 7th of June all the companies concentrating at Camp Maury proceeded to Harney Valley, where it was intended to establish a depot, but finding the water in the lake brackish and the grass poor, the plan was abandoned. Somewhere in this region Drake expected to meet Curry, who with A and E companies, ten Cayuse scouts under Umhowlitz, and Colonel Maury had left Walla Walla on the 28th of April, by way of the immigrant road for Fort Boisé and the Owyhee, but two weeks elapsed before a junction was made.

Curry's expedition on reaching old Fort Boisé was reënforced by Captain Barry of the 1st Washington infantry, with twenty-five men. A temporary depot was established eight miles up the Owyhee River and placed in charge of Barry. The cavalry marched up the west bank of the river to the mouth of a tributary called Martin Creek, formed by the union of Jordan and Sucker creeks, near which was the crossing of the road from California to the Owyhee mines, beginning to be much travelled.[21]

On the 25th of May, Curry moved west from the ferry eight miles, and established a camp on a small stream falling into the Owyhee, which he called Gibbs Creek, in honor of Governor Gibbs. Here he began building a stone bridge and fortifications, which he named Camp Henderson, after the Oregon congressman; and Rhinehart was ordered to bring up the supplies left with Barry, the distance being about one hundred miles between the points. When Rhinehart came up with the supply train he found Curry absent on an exploring expedition. Being satisfied from all he could learn that he was not yet in the heart of the country most frequented by the predatory Indians, where he desired to fix his encampment, Curry made an exploration of a very difficult country to the south-west.[22]

On this expedition, Alvord Valley, at the eastern base of Steen Mountain, was discovered;[23] and being satisfied that hereabout would be found the head-

[21] This road was from Lassen Meadows on the Humboldt, via Starr City, and Queen River. It was 180 miles from the Meadows to this ferry, and 65 thence to Boonville in Idaho. *Portland Oregonian*, June 25, 1864.

[22] The report of this exploration is interesting. A peculiar feature of the scenery was the frequent mirage over dried-up lakes. 'While on this smooth surface,' he says, speaking of one on the east of Steen Mountain, 'the mirage made our little party play an amusing pantomime. Some appeared to be high in the air, others sliding to the right and left like weavers' shuttles. Some of them appeared spun out to an enormous length, and the next group spindled up: thus a changeable, movable tableau was produced, representing everything contortions and capricious reflections could do.' Report of Captain Curry, in *Rept Adjt Gen. Or.*, 1866, 37–8.

[23] This statement should be qualified. Waymire discovered the valley, and Curry explored it.

quarters of a considerable portion of the hostile Indians, Curry determined to move the main command to this point, and to this end returned toward camp Henderson by another route, hardly less wearisome and destitute of water than the former one. The place selected for a permanent camp was between some rifle-pits dug in the spring by Waymire's command and the place where he fought the Indians, on a small creek coming down from the hills, which sank about three miles from the base of the mountains. Earthworks were thrown up in the form of a star, to constitute a fort easily defended. Through this enclosure ran a stream of pure water, and there was room for the stores and the garrison, the little post being called Camp Alvord. Here were left Barry's infantry and the disabled cavalry horses and their riders; and on the 22d of June Curry set out with the main cavalry to form a junction with Drake, somewhere in the vicinity of Harney Lake, which junction was effected on the 1st of July at Drake's camp on Rattlesnake Creek, Harney Valley.

For a period of thirty days captains Drake and Curry acted in conjunction, scouting the country in every direction where there seemed any prospect of finding Indians, and had meantime been reënforced by Lieutenant Noble with forty Warm Spring Indians, which brought the force in the field up to about four hundred. Small parties were kept continually moving over the country, along the base of the Blue Mountains, on the head waters of the John Day, and over toward Crooked River, as well as southward toward the southern immigrant trail, which was more especially under the protection of Colonel Drew. Mining and immigrant parties from California were frequently fallen in with, nearly every one of which had suffered loss of life or property, or both, and wherever it was possible the troops pursued the Indians with about the same success that the house-dog pursues the limber and burrowing fox. Few skir-

mishes were had, and not a dozen Indians killed from April to August. In the mean time all the stock was driven off from Antelope Valley, a settled region sixty-five miles east of The Dalles, and about the same distance west of the crossing of the south fork of the John Day; and nothing but a continuous wall of troops could prevent these incursions.

About the 1st of August Curry, who with Drake had been scouting in the Malheur mountains, separated from the latter and returned toward Camp Alvord. Before he reached that post he was met by an express from Fort Boisé, with the information that a stock farmer on Jordan Creek, a branch of the Owyhee, had been murdered, and his horses and cattle driven off. Twenty-one miners of the Owyhee district had organized and pursued the Indians eighty miles in a south-west direction, finding them encamped in a deep cañon, where they were attacked. The Indians, being in great numbers, repulsed the miners with the loss of one killed[24] and two wounded. A second company was being organized, 160 strong, and Colonel Maury had taken the field with twenty-five men from Fort Boisé. Curry pushed on to Camp Alvord, a distance of 350 miles, though his command had not rested since the 22d of June, arriving on the 12th with his horses worn out, and 106 men out of 134 sick with dysentery.[25] The Warm Spring Indians, who were constantly moving about over the country, brought intelligence which satisfied Curry that the marauding bands had gone south into Nevada. Consequently on the 2d of September, the sick having partially recovered, the main command was put in motion to follow their trail. Passing south, through the then new and famous mining district of Puebla Valley, where some prospectors were at work with a small quartz-mill, using sage-brush for fuel, a party

[24] M. M. Jordan, the discoverer of Jordan Creek mines, was killed.

[25] In the absence of medicines, Surgeon Cochrane's supply being exhausted, and himself one of the sufferers, an infusion of the root of the wild geranium, found in that country, proved effective.

of five Indians was captured forty miles beyond. Surmising that they belonged to the band which attacked the rancho on Jordan Creek, they would have been hanged but for the interference of the miners of Puebla, who thought they should be more safe if mercy were shown. Yielding to their wishes, the Indians, who asserted that they were Pah Utes, were released. But the mercy shown then was atrociously rewarded, for they afterward returned and murdered these same miners.[26] The heat and dust of the alkali plains of Nevada retarding the convalescence of the troops, Curry proceeded no farther than Mud Lake, returning by easy marches on the west side of Steen Mountain to Camp Alvord September 16th, breaking camp on the 26th and marching to Fort Walla Walla, the infantry and baggage-wagons being sent to Fort Boisé. Curry took the route down the Malheur to the immigrant road, where he was met October 14th by an express from district headquarters directing him if possible to be at The Dalles before the presidential election in November, fears being entertained that disloyal voters would make that the occasion of an outbreak. If anything could infuse new energy into the Oregon cavalry, it was a prospect of having to put down rebellion, and Curry was at Walla Walla twelve days afterward, where the command was formally dissolved, company A going into garrison there, the detachment of F to Lapwai, and company E to The Dalles, where the election proceeded quietly in consequence. Drake's command remained in the field until late in autumn, making his headquarters at Camp Dahlgren, on the head waters of Crooked River, and keeping lieutenants Waymire, Noble, and others scouring the country between the Cascade and Blue mountains.

While these operations were going on in eastern Oregon, that strip of southern country lying along

[26] Report of Captain Curry, in *Rept Adjt Gen. Or.*, 1866, 46.

the California line between the Klamath Lakes and Steen Mountain was being scoured as a separate district—being in fact a part of the district of California. Toward the last of March, Colonel Drew, at Camp Baker in Jackson county, received orders from the department of the Pacific to repair to Fort Klamath, as soon as the road over Cascades could be travelled, and leaving there men enough to guard the government property, to make a reconnoissance to the Owyhee country, and return to Klamath post.

The snow being still deep on the summit of the mountains, in May a road was opened through it for several miles, and on the 26th the command left Camp Baker, arriving at Fort Klamath on the 28th. The Indians being turbulent in the vicinity of the fort, it became necessary to remain at that post until the 28th of June, when the expedition, consisting of thirty-nine enlisted men, proceeded to Williamson River, and thence to the Sprague River Valley, over a succession of low hills, covered for the most part with an open forest of pines.[27] He had proceeded no farther than Sprague River when his march was interrupted by news of an attack on a train from Shasta Valley proceeding by the way of Klamath Lake, Sprague River, and Silver Lake to the John Day Mines.[28] Fortunately Lieutenant Davis from Fort Crook, California, with ten men came up with the train in time to render assistance and prevent a massacre. The

[27] Drew's report was published in 1865, in the *Jacksonville Sentinel*, from January 28 to March 11, 1865, and also in a pamphlet of 32 pages, printed at Jacksonville. It is chiefly a topographical reconnoissance, and as such is instructive and interesting, but contains few incidents of a military character in relation to the Indians; in fact, these appear to have been purposely left out. But taking the explorations of Drew, which were made at some distance north of the southern immigrant road, in connection with those of Drake and Curry, it will be seen that a great amount of valuable work of a character usually performed by expensive government exploring expeditions was performed by the 1st Oregon cavalry in this and the following year. See *Drew's Owyhee Reconnoissance*, 1–32.

[28] This occurred June 23d near Silver Lake, 85 miles north of Fort Klamath. The train consisted of 7 wagons and 15 men, several of whom were accompanied by their families. The Indians took 7 of their oxen and 3,500 pounds of flour. John Richardson was leader of the company. Three men were wounded.

company fell back forty miles to a company in the rear, and sent word to Fort Klamath, after which they retreated to Sprague River, and an ambulance having been sent to take the wounded to the fort, the immigrants all determined to travel under Drew's protection to the Owyhee, and thence to the John Day.

Their course was up Sprague River to its head waters, across the Goose Lake Mountains into Drew Valley, thence into Goose Lake Valley, around the head of the lake to a point twenty-one miles down its east side to an intersection with the immigrant road from the States near Lassen Pass, where a number of trains joined the expedition. Passing eastward from this point, Drew's route led into Fandango Valley,[29] a glade a mile and a half west from the summit of the old immigrant pass, and thence over the summit of Warner Range into Surprise Valley,[30] passing across it and around the north end of Cowhead Lake, eastward over successive ranges of rocky ridges down a cañon into Warner Valley, and around the south side of Warner Mountain,[31] where he narrowly escaped attack by the redoubtable chief Panina, who was deterred only by seeing the howitzer in the train.[32] Proceeding south-east over a

[29] So named from a dance being held there to celebrate the meeting of friends from California and the States. In the midst of their merriment they were attacked, and war's alarms quickly interrupted their festivities. *Drew's Reconnoissance*, 9.

[30] Drew says this and not the valley beyond it should have been called Warner Valley, the party under Capt. Lyons, which searched for Warner's remains, finding his bones in Surprise Valley, a few miles south of the immigrant road. *Id.*, 10.

[31] Drew made a reconnoissance of this butte, which he declared for military purposes to be unequalled, and as such it was held by the Snake Indians. A summit on a general level, with an area of more than 100 square miles, diversified with miniature mountains, grassy valleys, lakes and streams of pure water, groves of aspen, willow, and mountain mahogany, and gardens of service-berries, made it a complete haven of refuge, where its possessors could repel any foe. The approach from the valley was exceedingly abrupt, being in many places a solid wall. On its north side it rose directly from the waters of Warner Lake, which rendered it unassailable from that direction. Its easiest approach was from the south, by a series of benches; but an examination of the country at its base discovered the fact that the approach used by the Indians was on the north.

[32] Panina afterward accurately described the order of march, and the order

sterile country to Puebla Valley, the expedition turned northward to Camp Alvord, having lost so much time in escort duty that the original design of exploring about the head waters of the Owyhee could not be carried out. The last wagons reached Drew's camp, two miles east of Alvord, on the 31st of August, and from this point, with a detachment of nineteen men, Drew proceeded to Jordan Creek Valley and Fort Boisé, escorting the immigration to these points, and returning to camp September 22d, where he found an order requiring his immediate return to Fort Klamath, to be present with his command at a council to be held the following month with the Klamaths, Modocs, and Panina's band of Snake Indians. On his return march Drew avoided going around the south-eastern point of the Warner Mountains, finding a pass through them which shortened his route nearly seventy miles, the road being nearly straight between Steen and Warner Mountains, and thence westward across the ridge into Goose Lake Valley, with a saving in distance of another forty miles. On rejoining his former trail he found it travelled by the immigration to Rogue River Valley, which passed down Sprague River and by the Fort Klamath road to Jacksonville. A line of communication was opened from that place to Owyhee and Boisé, which was deemed well worth the labor and cost of the expedition, the old immigrant route being shortened between two and three hundred miles. The military gain was the discovery of the haunt of Panina and his band at Warner Mountain, and the discovery of the necessity for a post in Goose Lake Valley.[33]

Congress having at length made an appropriation of $20,000 for the purpose of making a treaty with

of encamping, picketing, and guarding, with all the details of an advance through an enemy's country, showing that nothing escaped his observation, and that what was worth copying he could easily learn.

[33] *Hay's Scraps*, iii. 121–2.

the Indian tribes in this part of Oregon, Superintendent Huntington, after a preliminary conference in August, appointed a general council for the 9th of October. The council came off and lasted until the 15th, on which day Drew reached the council ground at the ford of Sprague River, glad to find his services had not been required, and not sorry to have had nothing to do with the treaty there made: not because the treaty was not a good and just one, but from a fear that the government would fail to keep it.[34]

[34] The treaty was made between Huntington of Oregon, A. E. Wiley, sup. of Cal., by his deputy, agent Logan of Warm Spring reservation, and the Klamaths, Modocs, and Yahooskin band of Snakes. The military present were a detachment of Washington infantry under Lieut. Halloran, W. C. McKay with 5 Indian scouts, Captain Kelly and Lieutenant Underwood with a detachment of company C. The Indians on the ground numbered 1070, of whom 700 were Klamaths, over 300 Modocs, and 20 Snakes, but more than 1,500 were represented. Huntington estimated that there were not more than 2,000 Indians in the country treated for, though Drew and E. Steele of California made a much higher estimate. *Ind. Aff. Rept*, 1865, 102. Special Agent Lindsey Applegate and McKay acted as counsellors and interpreters for the Indians. There was no difficulty in making a treaty with the Klamaths. The Modocs and Snakes were more reluctant, but signed the treaty, which they perfectly understood. It ceded all right to a tract of country extending from the 44th parallel on the north to the ridge which divides the Pit and McLeod rivers on the south, and from the Cascade Mountains on the west to the Goose Lake Mountains on the east. There was reserved a tract beginning on the eastern shore of Upper Klamath Lake at Point of Rocks, twelve miles below Williamson River, thence following up the eastern shore to the mouth of Wood River to a point one mile north of the bridge at Fort Klamath; thence due east to the ridge which divides Klamath marsh from Upper Klamath Lake; thence along said ridge to a point due east of the north end of Klamath marsh; thence due east, passing the north end of Klamath marsh to the summit of the mountain, the extremity of which forms the Point of Rocks, and along said ridge to the place of beginning. This tract contained, besides much country that was considered unfit for settlement, the Klamath marsh, which afforded a great food supply in roots and seeds, a large extent of fine grazing land, with enough arable land to make farms for all the Indians, and access to the fishery on Williamson River and the great or Upper Klamath Lake. The Klamath reservation, as did every Indian reservation, if that on the Oregon coast was excepted, contained some of the choicest country and most agreeable scenery in the state. White persons, except government officers and employés, were by the terms of the treaty forbidden to reside upon the reservation, while the Indians were equally bound to live upon it; the right of way for public roads only being pledged. The U. S. agreed to pay $8,000 per annum for five years, beginning when the treaty should be ratified; $5,000 for the next five years, and $3,000 for the following five years; these sums to be expended, under the direction of the president, for the benefit of the Indians. The U. S. further agreed to pay $35,000 for such articles as should be furnished to the Indians at the time of signing the treaty, and for their subsistence, clothing, and teams to begin farming for the first year. As soon as practicable after the ratification of the treaty, mills, shops, and a school-house were to be built. For fifteen years a superintendent of farming, a farmer, blacksmith, wagon-maker, sawyer, and

Overtures had been made to Panina, but unsuccessfully. He had been invited to the council, but preferred enjoying his freedom. But an unexpected reverse was awaiting the chief. After Superintendent Huntington had distributed the presents provided for the occasion of the treaty, and deposited at the fort 16,000 pounds of flour to be issued to such of the Indians as chose to remain there during the winter, he set out on his return to The Dalles, as he had come, by the route along the eastern base of the Cascade Mountains. Quite unexpectedly, when in the neighborhood of the head waters of Des Chutes, he came upon two Snakes, who endeavored to escape, but being intercepted, were found to belong to Panina's band. The escort immediately encamped and sent out scouts in search of the camp of the chief, which was found after several hours, on one of the tributaries of the river, containing, however, only three men, three women, and two children, who were captured and brought to camp, one of the women being Panina's wife. Before the superintendent could turn to advantage this fortunate capture, which he hoped might bring him into direct communication with Panina, the Indians made a simultaneous attempt to seize the guns of their captors, when they were fired upon, and three killed, two escaping though wounded. One of these died a few hours afterward, but one reached Panina's camp, and recovered. By this means the chief learned of the loss of four of his warriors and the captivity of his wife, who was taken with the other women and children to Vancouver to be held as hostages.

carpenter were to be furnished, and two teachers for twenty-two years. The U. S. might cause the land to be surveyed in allotments, which might be secured to the families of the holders. The annuities of the tribe could not be taken for the debts of individuals. The U. S. might at any future time locate other Indians on the reservation, the parties to the treaty to lose no rights thereby. On the part of the Indians, they pledged themselves not to drink intoxicating liquors on pain of forfeiting their annuities; and to obey the laws of the U. S.; the treaty to be binding when ratified.

The first settler in the Klamath country was George Nourse, who took up in August 1863 the land where Linkville stands. He was notary public and registrar of the Linkton land district. *Jacksonville Sentinel*, March 8, 1873.

Not long after this event Panina presented himself at Fort Klamath, having received a message sent him from the council ground, that he would be permitted to come and go unharmed, and wished Captain Kelly of Fort Klamath to assure the superintendent that he was tired of war, and would willingly make peace could he be protected.[35] To this offer of submission, answer was returned that the superintendent would visit him the following summer with a view to making a treaty. This closed operations against the Indians of southern Oregon for the year, and afforded a prospect of permanent peace, so far as the country adjacent to the Rogue River Valley was concerned, a portion of which had been subject to invasions from the Klamath country. Even the Umpqua Valley had not been quite free from occasional mysterious visitations, from which henceforward it was to be delivered.

With the close of the campaigns of the First Oregon Cavalry for 1864, the term of actual service of the original six companies expired. They had performed hard service, though not of the kind they would have chosen. Small was the pay, and trifling the reward of glory. It was known as the 'puritan regiment,' from habits of temperance and morality, and was largely composed of the sons of well-to-do farmers. Out of fifty-one desertions occurring in three years, but three were from this class, the rest being recruits from the floating population of the country. No regiment in the regular army had stood the same tests so heroically.

When the legislature met in 1864 a bounty act was passed to encourage future, not to reward past, volunteering. It gave to every soldier who should enlist for three years or during the war, as part of the state's

[35] A treaty was made with Panina in the following year, but badly observed by him, as the history of the Snake wars will show.

quota under the laws of congress, $150 in addition to other bounties and pay already provided for, to be paid in three instalments, at the beginning and end of the first year, and at the end of the term of service either to him, or in case of his demise, to his heirs. For the purpose of raising a fund for this use, a tax was levied of one mill on the dollar upon all the taxable property of the state.[36] At the same time, however, an act was passed appropriating $100,000 as a fund out of which to pay five dollars a month additional compensation to the volunteers already in the service.[37]

On the day the first bill was signed Governor Gibbs issued a proclamation that a requisition had been made by the department commander for a regiment of infantry in addition to the volunteers then in the service of the United States, who were "to aid in the enforcement of the laws, suppress insurrection and invasion, and to chastise hostile Indians" in the military district of Oregon. Ten companies were called for, to be known as the 1st Infantry Oregon Volunteers, each company to consist of eighty-two privates maximum or sixty-four minimum, besides a full corps of regimental and staff officers. The governor in his proclamation made an earnest appeal to county officers to avoid a draft by vigorously prosecuting the business of procuring volunteers. Lieutenants' commissions were immediately issued to men in the several counties as recruiting officers,[38] conditional upon their raising their companies within a prescribed time, when they would be promoted to the rank of captain.[39]

[36] *Or. Laws*, 1866, 98–110.

[37] *Id.*, 104–8; *Rhinehart's Oregon Cavalry*, MS., 15.

[38] A. J. Borland, Grant county; E. Palmer, Yamhill; Charles Lafollet, Polk; J. M. Gale, Clatsop; W. J. Shipley, Benton; W. S. Powell, Multnomah; C. P. Crandall, Marion; F. O. McCown, Clackamas; T. Humphreys, Jackson, were commissioned 2d lieutenants.

[39] Polk county raised $1,200 extra bounty rather than fail, and completed her enlistment, first of all. Josephine county raised $2,500, and Clackamas offered similar inducements. *Portland Oregonian*, Nov. 30, 1864, Feb. 14, 1865.

Six companies were formed within the limit, and two more before the first of April 1865.[40]

Early in January 1865 General McDowell made a requisition for a second regiment of cavalry, the existing organization to be kept up and to retain its name of 1st Oregon cavalry, but to be filled up to twelve companies. In making his proclamation Governor Gibbs reminded those liable to perform military duty of the bounties provided by the state and the general government which would furnish horses to the new regiment. But the response was not enthusiastic. About this time the district was extended to include the southern and south-eastern portions of the state, heretofore attached to California, while the Boisé and Owyhee region was made a subdistrict of Oregon, commanded by Lieutenant Colonel Drake. These arrangements left the military affairs of Oregon entirely in the hands of her own citizens, under the general command of General McDowell, and thus they remained through the summer. On the 14th of July Colonel Maury retired, and Colonel B. Curry took the command of the district.

In the summer of 1864 General Wright, though retaining command of the district of California, was relieved of the command of the department of the Pacific by General McDowell, who in the month of August paid a visit of inspection to the district of Oregon, going first to Puget Sound, where fortifications were being erected at the entrance to Admiralty Inlet, and thence to Vancouver on the revenue cutter *Shubrick*, Captain Scammon. On the 13th of September he inspected the defensive works under construction at the mouth of the Columbia,

[40] The following were the lieutenants in the regiment: William J. Shipley, Cyrus H. Walker, Thomas H. Reynolds, Samuel F. Kerns, John B. Dimick, Darius B. Randall, William M. Rand, William Grant, Harrison B. Oatman, Byron Barlow, William R. Dunbar, John W. Cullen, Charles B. Roland, Charles H. Hill, Joseph M. Gale, James A. Balch, Peter P. Gates, Daniel W. Applegate, Charles N. Chapman, Albert Applegate, Richard Fox (vice Balch). *Report Adjt Gen. Or.*, 1866, pp. 217-221.

which were begun the previous year. For this purpose congress had in 1861–2 appropriated $100,000 to be expended at the mouth of the Columbia, and with such rapidity had the work been pushed forward that the fortifications on Point Adams, on the southern side of the entrance to the river, were about completed at the time of McDowell's visit. With the approval of the war department, Captain George Elliot of the engineering corps named this fort in honor of General I. J. Stevens, who fell at the battle of Chantilly, September 1, 1862.[41]

Immediately on the completion of this fort corresponding earthworks were erected on the north side of the entrance to the river on the high point known as Cape Disappointment, but recognized by the department as Cape Hancock. Both of these fortifications were completed before the conclusion of the civil war, which hastened their construction, and were garrisoned in the autumn of 1865.[42] In 1874, by order of the war department and at the suggestion of Assistant adjutant-general H. Clay Wood, the military post at Cape Hancock was named Fort Canby, in honor of Major-general Edward R. S. Canby, who perished by assassination during the Modoc war of 1872–3, and the official name of the cape was ordered to be used by the army.

[41] Fort Stevens was constructed of solid earthworks, just inside the entrance, and was made one of the strongest and best armed fortifications on the Pacific coast. It was a nonagon in shape, and surrounded by a ditch thirty feet in width, which was again surrounded by earthworks, protecting the walls of the fort and the earthworks supporting the ordnance. *Or. Argus*, June 5 and 29, 1863; *Ibid.*, Aug. 18, 1863; *Victor's Or.*, 40–1; *Surgeon Gen. Circ.*, 8, 484–7.

[42] On Cape Disappointment was a light-house of the first class, rising from the highest point. Extending along the crest of the cape on the river side were three powerful batteries mounted on solid walls of earth. Under the shelter of the cape, around the shore of Baker Bay, were the garrison buildings and officers' quarters. It was and is at present one of the prettiest places on the Columbia, though rather inaccessible in stormy weather. *Surgeon Gen. Circular*, 8, 461; *Victor's Or.*, 36–8; *Overland Monthly*, viii. 73–4; *Steel's Rifle Regt*, MS., 5; *Portland Oregonian*, April 4, 1864, Oct. 19, 1865; *S. F. Bulletin*, Nov. 25, 1864; *Or. Pioneer Hist. Soc.*, 7–8.

CHAPTER XXI.

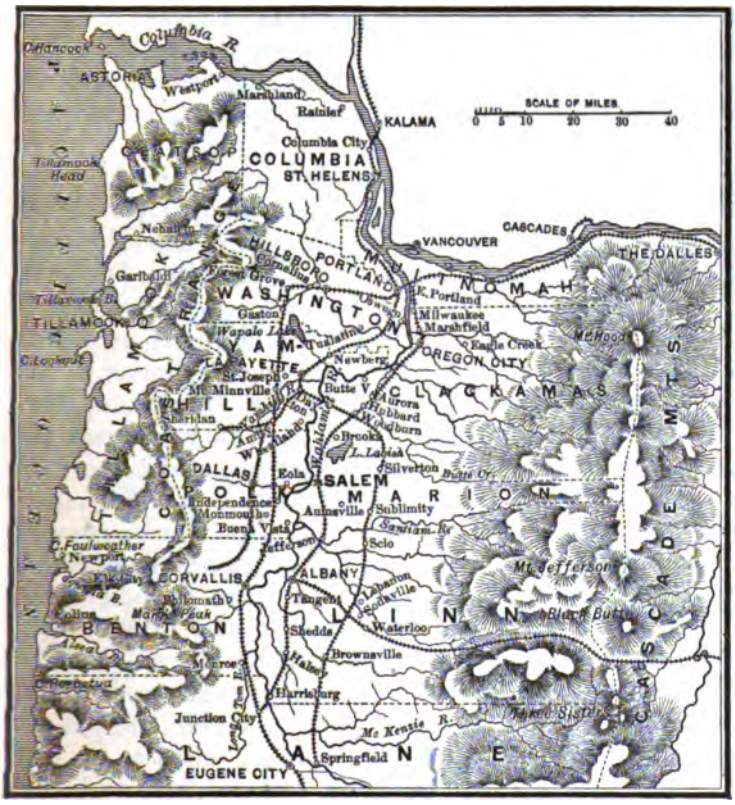
THE SHOSHONE WAR.

1866–1868.

COMPANIES AND CAMPS—STEELE'S MEASURES—HALLECK HEADSTRONG—BATTLE OF THE OWYHEE—INDIAN RAIDS—SUFFERINGS OF THE SETTLERS AND TRANSPORTATION MEN—MOVEMENTS OF TROOPS—ATTITUDE OF GOVERNOR WOODS—FREE FIGHTING—ENLISTMENT OF INDIANS TO FIGHT INDIANS—MILITARY REORGANIZATION—AMONG THE LAVA-BEDS—CROOK IN COMMAND—EXTERMINATION OR CONFINEMENT AND DEATH IN RESERVATIONS.

IN the spring of 1865 the troops were early called upon to take the field in Oregon and Idaho, the roads between The Dalles and Boisé, between Boisé and Salt Lake, between Owyhee and Chico, and Owyhee and Humboldt in California, being unsafe by reason of Indian raids. A hundred men were sent in April to guard The Dalles and Boisé road, which, owing to its length, 450 miles, they could not do. In May, company B, Oregon volunteers, Captain Palmer, moved from The Dalles to escort a supply-train to Boisé. Soon after arriving, Lieutenant J. W. Cullen was dircted to take twenty men and proceed 150 miles farther to Camp Reed, on the Salmon Falls Creek, where he was to remain and guard the stage and immigrant road. Captain Palmer was ordered to establish a summer camp on Big Camas prairie, which he called Camp Wallace. From this point Lieutenant C. H. Walker was sent with twenty-two enlisted men to the Three Buttes, 110 miles east of Camp Wallace, to look out for the immigration. Leaving most of his command at Three Buttes, Walker proceeded to Gibson's ferry,

above Fort Hall, where he found a great number of wagons crossing, and no unfriendly Indians. On receiving orders, however, he removed his company to the ferry, where he remained until September 19th, after which he proceeded to Fort Hall to prepare winter



WESTERN OREGON.

quarters, Palmer's company being ordered to occupy that post. The old fort was found a heap of ruins; but out of the adobes and some abandoned buildings of the overland stage company, a shelter was erected at the junction of the Salt Lake, Virginia City, and Boisé roads, which station was named Camp Lander. This

post and Camp Reed were maintained during the winter by the Oregon infantry, the latter having only tents for shelter, and being exposed to severe hardships.[1] In May detachments of Oregon cavalry were ordered from The Dalles, under lieutenants Charles Hobart and James L. Curry, to clear the road to Cañon City, and thence to Boisé, from which post Major Drake ordered Curry to proceed to Rock Creek, on Snake River, to escort the mails, the Indians having driven off all the stock of the overland stage company from several of the stations.

Lieutenant Hobart proceeded to Jordan Creek, where he established a post called Camp Lyon, after General Lyon, who fell during the war of the rebellion, at Willow Creek in Missouri. Soon after, being in pursuit of some Indians who had again driven off stock on Reynolds Creek, he was himself attacked while in camp on the Malheur, having the horses of his command stampeded; but in a fight of four hours, during which he had two men wounded, he recovered his own, took a part of the enemy's horses, and killed and wounded several Indians.[2] Captain L. L. Williams, of company H, Oregon infantry, who was employed guarding the Cañon City road, was ordered from camp Watson in September, to proceed on an expedition to Selvie River, Lieutenant Bowen of the cavalry being sent to join him with twenty-five soldiers. Before Bowen's arrival, Williams' company performed some of the best fighting of the season under the greatest difficulties; being on foot, and compelled to march a long distance surrounded by Indians mounted and afoot, but of whom they killed fifteen, with a loss of one man killed and two wounded.[3] Williams remained in the Harney Valley through the winter, establishing Camp Wright.

[1] Lieut Walker here referred to is a son of Rev. Elkanah Walker, a missionary of 1835.

[2] *Boisé City Statesman*, July 13 and 18, 1865. Hobart was afterward a captain in the regular army. *Albany States Rights Democrat*, July 2, 1875.

[3] Report of Lt Williams in *Rept Adjt Gen. Or. 1866*, 82-98. L. L. Williams was one of the Port Orford party which suffered so severely in 1851.

In addition to the Oregon troops, Captain L. S. Scott, of the 4th California volunteer infantry, was employed guarding the road to Chico, being stationed in Paradise Valley through the summer, but ordered to Silver Creek in September, where he established Camp Curry.

Colonel Curry had succeeded to the command of the district of the Columbia on the death of General Wright, while en route to Vancouver to assume the command, by the foundering of the steamship *Brother Jonathan*. In order to obviate the inconvenience of long and unwieldly transportation trains, and in order also to carry on a winter campaign, which he believed would be most effectual, as the Indians would then be found in the valleys, Curry distributed the troops in the following camps: Camp Polk on the Des Chutes River, Camp Curry on Silver Creek, Camp Wright on Selvie River, camps Logan and Colfax on the Cañon City and Boisé road, Camp Alvord in Alvord Valley, Camp Lyon on Jordan Creek, Idaho, Camp Reed near Salmon Falls, and Camp Lander at old Fort Hall, Idaho. But with all these posts the country continued to suffer with little abatement the scourge of frequent Indian raids.

Early in October Captain F. B. Sprague, of the 1st Oregon infantry, was ordered to examine the route between Camp Alvord and Fort Klamath, with a view to opening communication with the latter. Escorted by eleven cavalrymen, Sprague set out on the 10th, taking the route by Warner Lake over which Drew had made a reconnoissance in 1865, arriving at Fort Klamath on the 17th without having seen any Indians. But having come from Fort Klamath a month previous, and seen a large trail crossing his route, going south, and not finding that any fresh trail indicated the return of the Indians, he came to the conclusion that they were still south of the Drew road, between it and Surprise Valley, where Camp Bidwell was located.

On making this report to Major Rheinhart, in com-

mand at Klamath, he was ordered to return to Camp Alvord by the way of Surprise Valley and arrange co-operative measures with the commander of the post there. But when he arrived at Camp Bidwell on the 28th, Captain Starr, of the second California volunteer cavalry, in command, was already under orders to repair with his company, except twenty-five men, to Fort

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Crook, before the mountains became impassable with snow. He decided, however, to send ten men, under Lieutenant Backus, with Sprague's escort, to prove the supposed location of the main body of the Indians. On the third day, going north, having arrived at Warner's Creek, which enters the east side of the lake seven miles south of the crossing of the Drew road,

without falling in with any Indians, Backus turned back to Camp Bidwell, and Sprague proceeded.

No sooner had this occurred than signs of the enemy began to appear, who were encountered, 125 strong, about two miles south from the road. While the troops were passing an open space between the lake and the steep side of a mountain they were attacked by the savages hidden in trenches made by land-slides, and behind rocks. Sprague, being surprised, and unable either to climb the mountain or swim the lake, halted to take in the situation. The attacking parties were in the front and rear, but he observed that those in the rear were armed with bows and arrows, while those in front had among them about twenty-five rifles. The former were leaving their hiding-places to drive him upon the latter. Observing this, he made a sudden charge to the rear, escaping unharmed and returning to Camp Bidwell.

Captain Starr then determined to hold his company at that post, and coöperate with Camp Alvord against those Indians. But when Sprague arrived there by another route he found the cavalry half dismounted by a recent raid of these ubiquitous thieves, and the other half absent in pursuit;[4] thus a good opportunity of beginning a winter campaign was lost. But an important discovery had been made of the principal rendezvous of the Oregon Snake Indians—a knowledge which the regular army turned to account when they succeeded the volunteer service.

In October, before Curry had thoroughly tested his plan of a winter campaign, orders were received to muster out the volunteers, and with them he retired from the service. He was succeeded in the command of the department by Lieutenant-colonel Drake, who in turn was mustered out in December. Little by little the whole volunteer force was disbanded, until in June 1866 there remained in the service only com-

[4] James Alderson of Jacksonville, a good man, who was on guard, was killed in this raid. *Portland Oregonian*, Dec. 4, 1865.

pany B, 1st Oregon cavalry, and company I, 1st Oregon infantry. All the various camps in Oregon were abandoned except Camp Watson, against the removal of which the merchants of The Dalles protested,[5] and Camp Alvord, which was removed to a little different location and called Camp C. F. Smith. Camp Lyon and Fort Boisé were allowed to remain, but forts Lapwai and Walla Walla were abandoned. These changes were made preparatory to the arrival of several companies of regular troops, and the opening of a new campaign under a new department commander.

The first arrival in the Indian country of troops from the east was about the last of October 1865, when two companies of the 14th infantry were stationed at Fort Boisé, with Captain Walker in command, when the volunteers at that post proceeded to Vancouver to be mustered out. No other changes occurred in this part of the field until spring, the United States and Oregon troops being fully employed in pursuing the omnipresent Snakes.[6] Toward the middle of February 1866, a large amount of property having been stolen, Captain Walker made an expedition with thirty-nine men to the mouth of the Owyhee, and into Oregon, between the Owyhee and Malheur rivers, coming upon a party of twenty-one Indians in a cañon, and opening fire. A vigorous resistance was made before the savages would relinquish their booty, which they did only when they were all dead but three, who escaped in the darkness of coming night. Walker lost one man killed and one wounded.

On the 24th of February Major-general F. Steele

[5] *Dalles Mountaineer*, April 20, 1866.

[6] A man named Clark was shot, near the mouth of the Owyhee, while encamped with other wagoners, in Nov.; 34 horses were stolen from near Boisé ferry on Snake River in Dec.; and the pack-mules at Camp Alvord were stolen. Captain Sprague recovered these latter. Feb. 13th the rancho of Andrew Hall, 15 miles from Ruby City, was attacked, Hall killed, 50 head of horses driven off, and the premises set on fire. *Boisé Statesman*, Feb. 17, 1866; Id., March 4, 1866. Ada County raised a company of volunteers to pursue these Indians, but they were not overtaken. *Ind. Aff. Rept, 1866*, 187-8; *Austin Reese River Reveille*, March 13, 1866.

took command of the department of the Columbia. There were in the department at that time, besides the volunteer force which amounted numerically to 553 infantry and 319 cavalry, one battalion of the 14th United States infantry, numbering 793 men, and three companies of artillery, occupying fortified works at the mouth of the Columbia and on San Juan Island. These troops, exclusive of the artillery, were scattered in small detachments over a large extent of country, as we already know.

On the 2d of March the post of Fort Boisé, with its dependencies, camps Lyon, Alvord, Reed, and Lander, was erected into a full military district, under the command of Major L. H. Marshall, who arrived at district headquarters about the 20th, and immediately made a requisition upon Steele for three more companies. In April Colonel J. B. Sinclair of the 14th infantry took the command at Camp Curry, which he abandoned and proceeded to Boisé. Fort Boisé received about this time a company of the same regiment, under Captain Hinton, withdrawn from Cape Hancock, at the mouth of the Columbia, and another, under Lieutenant-colonel J. J. Coppinger, withdrawn from The Dalles.

Camp Watson received two companies of cavalry, under the command of Colonel E. M. Baker. Camp C. F. Smith received a cavalry company under Captain David Perry, who marched into Oregon from the south by the Chico route; and Camp Lyon received another under Captain James C. Hunt, who entered Oregon by the Humboldt route. At Camp Lyon also was a company of the 14th infantry under Captain P. Collins, and one of the 1st Oregon infantry under Captain Sprague. From this it will be seen that most of the troops were massed in the Boisé military district, only Baker's two companies being stationed where they could guard the road between The Dalles and Boisé, which was so infested that the express company refused to carry treasure over it, half a dozen

successful raids having been made on the line of the road before the first of May.

Although Steele's first action was to cause the abandonment of most of the camps already established, as I have noticed, as early as March 20th, he wrote to General Halleck, commanding the division of the Pacific, that the Indians had commenced depredations, with such signs of continued hostilities in the southern portions of Oregon and Idaho that he should recommend the establishment of two posts during the summer, from which to operate against them the following winter, one at or near Camp Wright, and another in Goose Lake Valley, from which several roads diverged leading to other valleys frequented by hostile Snakes, Utes, Pit Rivers, Modocs, and Klamaths.

On the 28th of March Major Marshall led an expedition to the Bruneau River, 110 miles, finding only the unarmed young and old of the Snake tribe, to the number of 150. On returning about the middle of April he ordered Captain Collins, with a detachment of Company B and ten men from the 14th infantry, to proceed to Squaw Creek, a small stream entering Snake River a few miles below the mouth of Reynolds Creek, and search the cañon thoroughly, not only for Indian foes, but for white men who were said to be in league with them, and who, if found, were to be hanged without further ceremony. Being unsuccessful, Collins was sent to scout on Burnt River and Clark Creek.

On the 11th of May Marshall again left the fort with Colonel Coppinger and eighty-four men, to scout on the head-waters of the Owyhee. He found a large force of Indians at the Three Forks of the Owyhee, strongly posted between the South and Middle forks. The river being impassable at this place, he moved down eight miles, where he crossed his men by means of a raft. As they were about to advance up the bluff, they were fired on by Indians concealed behind rocks. A battle now occurred which

lasted four hours, in which seven of the savages were killed and a greater number wounded; but the Indians being in secure possession of the rocks could not be dislodged, and Marshall was forced to retreat across the river, losing his raft, a howitzer, some provisions, and some ammunition which was thrown in the river. His loss in killed was one non-commissioned officer.[7] His rout, notwithstanding, was complete, and to account for the defeat he reported the number of Indians engaged at 500, an extraordinary force to be in any one camp.

And thus the war went on, from bad to worse.[8] On the 19th of May a large company of Chinamen, to whom the Idaho mines had recently been opened, were attacked at Battle Creek, where Jordan and others were killed, and fifty or sixty slaughtered, the frightened and helpless celestials offering no resistance, but trying to make the savages understand that they were non-combatants and begging for mercy.[9] Pepoon hastened to the spot, but found only dead bodies strewn

[7] A detachment of the Oregon cavalry accompanied Marshall on this expedition, and blamed him severely for inhumanity. A man named Phillips, an Oregonian, was lassoed and drawn up the cliff in which the Indians were lodged, to be tortured and mutilated. Lieut Silas Pepoon of the Oregon cavalry wished to go to his rescue, but was forbidden. He also left 4 men on the opposite bank of the river, who were cut off by the swamping of the raft. The volunteer commanders would never have abandoned their men without an effort for their rescue. See *U. S. Mess. and Docs*, 1866–7, 501, 39th cong. 2d sess.

[8] During the night of the 4th of May sixty animals were stolen from packers on Reynolds Creek, eight miles from Ruby City. None of the trains were recovered. The loss and damage was estimated at $10,000. *Dalles Mountaineer*, May 18, 1866. About the 25th of May, Beard and Miller, teamsters from Chico, on their way to the Idaho mines, lost 421 cattle out of a herd of 460, driven off by the Indians. About the 20th of June, twenty horses were stolen from War Eagle Mountain, above Ruby City. On the 12th of June, C. C. Gassett was murdered on his farm near Ruby City, and 100 head of stock driven off. Early in July, James Perry, of Michigan, was murdered by the Indians, his arms and legs chopped off, and his body pinned to the ground, along with a man named Green, treated in the same manner.

[9] Travellers over the road reported over 100 unburied bodies of Chinamen. The number killed has been variously reported at from 50 to 150. One boy escaped of the whole train. He represented his countrymen as protesting, 'Me bellee good Chinaman! Me no fightee!' But the scalps of the Chinamen seemed specially inviting to the savages. *Butler's Life and Times*, MS., 11–12. Their remains were afterward gathered and buried in one grave. *Starr's Idaho*, MS., 2; *U. S. Sec. Int. Rept*, 1867–8, 97, 40th cong. 2d sess.; *Owyhee Index*, May 26, 1866; *Owyhee News*, June 1866.

along the road for six miles. This slaughter was followed by a raid on the horses and cattle near Boonville, in which the Indians secured over sixty head. As they used both horses and horned stock for food, the conclusion was that they were a numerous people or valiant eaters.

Repeated raids in the region of the Owyhee, with which the military force seemed unable to cope, led to the organization, about the last of June, of a volunteer company of between thirty and forty men, under Captain I. Jennings, an officer who had served in the civil war. On the 2d of July they came upon the Indians on Boulder Creek, and engaged them, but soon found themselves surrounded, the savages being in superior force. Upon discovering their situation, the volunteers intrenched themselves, and sent a messenger to Camp Lyon; but the Indians were gone before help came. The loss of the volunteers was one man killed and two wounded.[10] The Indian loss was reported to be thirty-five.

The commander of the district of Boisé did not escape criticism, having established a camp on the Bruneau River where there were no hostile Indians, and, it was said, shirked fighting where they were.[11] But during the month of August he scouted through the Goose Creek Mountains, killing thirty Indians, after which he marched in the direction of the forks of the Owyhee, where he had a successful battle, and retrieved the losses and failure of the spring campaign by hanging thirty-five captured savages to the limbs of trees.[12] He proceeded from there to Steen Moun-

[10] Thomas B. Cason, killed; Aaron Winters and Charles Webster wounded. Cason had built up around him a stone fortification, from which he shot in the 2 days 15 Indians, and was shot at last in his little fortress. *Sec. Int. Rept*, 1867–8, iii., 40th cong. 2d sess., pt 2, 97; *Boisé Statesman*, July 7 and 10, 1866; *Sac. Union*, July 28, 1868.

[11] *Boisé Statesman*, July 20, 1866. Marshall designed erecting a permanent post on the Bruneau, and had expended several thousand dollars, when orders came from headquarters to suspend operations. A one-company camp was permitted to remain during the year.

[12] *Yreka Union*, Oct. 20, 1866; *Hayes' Scraps*, v., Indians, 228.

tain, Camp Warner, Warner Lake, where he arrived on the 1st of October.

In the mean time the stage-lines and transportation companies, as well as the stock-raisers, on the route between The Dalles and Cañon City, and between Cañon City and Boisé, were scarcely less annoyed and injured than those in the more southern districts.[13] Colonel Baker employed his troops in scouring the country, and following marauding bands when their depredations were known to him, which could not often be the case, owing to the extent of country over which the depredations extended. On the 4th of July Lieutenant R. F. Bernard, with thirty-four cavalrymen, left Camp Watson in pursuit of Indians who

[13] In May the Indians drove off a herd of horses from the Warm Spring reservation, and murdered a settler on John Day River named John Witner. In June they attacked a settler on Snake River, near the Weiser, and on the main travelled road, driving off the pack-animals of a train encamped there. In August they robbed a farm on Burnt River of $300 worth of property, while the men were mowing grass a mile away; stole 54 mules and 18 beef-cattle from Camp Watson; and attacked the house of N. J. Clark, on the road, which they burned, with his stables, 50 tons of hay, and 1,000 bushels of grain, and stole all his farm stock, the family barely escaping with their lives. Eight miles from Clark's they took a team belonging to Frank Thompson. About the same time they murdered Samuel Leonard, a miner at Mormon Basin. A little later they surprised a mining camp near Cañon City, killing Matthew Wilson, and severely wounding David Graham. No aid could be obtained from Camp Watson, the troops being absent in pursuit of the government property taken from that post. In Sept. they took horses from a place on Clark Creek, from Burnt River, and the ferry at the mouth of Powder River. They pursued and fired on the expressman from Mormon Basin; and attacked the stage between The Dalles and Cañon City, when there were but two persons on board, Wheeler, one of the proprietors, and H. C. Paige, express agent. Wheeler was shot in the face, but showed great nerve, mounting one of the horses with the assistance of Paige, who cut them loose and mounted one himself. The men defended themselves and escaped, leaving the mail and express matter in the hands of the Indians, who poured the gold-dust out on the ground, most of it being afterward recovered. The money, horses, and other property were carried off. In October eleven horses were stolen from a party of prospectors on Rock Creek, Snake River. In Nov. the Indians again visited Field's farm, and stole three beef-cattle. They were pursued by the troops, who surprised and killed several of them, destroying their camp, and capturing a few horses. On the 20th a party of hunters, encamped on Cañon Creek, a few miles from Cañon City, were attacked, and J. Kester killed. The Indians came within one mile of Cañon City, and prepared to attack a house, but being discovered, fled. Early in December they stole a pack-train from near the Cañon City road. They were pursued by a detachment of twenty men from Baker's command, under Sergeant Conner, and the train recovered, with a loss to the Indians of fourteen men killed and five women captured. *Sec. Int. Rept*, 1867–8, pt 2, 95–100; *Dalles Mountaineer*, Dec. 14, 1866.

had been committing depredations on the Cañon City road, and marched south to the head-waters of Crooked River, thence to Selvie River and Harney Lake, passing around it to the west and south, and continuing south to Steen Mountain; thence north-east around Malheur Lake, and on to the head-waters of Malheur River, where, on the middle branch, for the first time in this long march, signs of Indians were discovered.

Encamping in a secure situation, scouts were sent out, who captured two. Lieutenant Bernard himself, with fifteen men, searched for a day in the vicinity without finding any of the savages. On the 17th he detached a party of nineteen men, under Sergeant Conner, to look for them, who on the 18th, about eight o'clock in the morning, on Rattlesnake Creek, discovered a large camp, which he at once attacked, killing thirteen and wounding many more. The Indians fled, leaving a few horses and mules, but taking most of their property. The loss on the side of the troops was Corporal William B. Lord. The detachment returned to camp on the evening of the 18th, where they found a company of forty-seven citizens from Auburn in Powder River Valley in search of the same band.

With this addition to his force, Bernard, on the 19th, renewed the pursuit, and found the Indians encamped in a deep cañon with perpendicular walls of rock, about a mile beyond their former camp, which place they had further fortified, but which on discovering that they were pursued they abandoned, leaving all their provisions and camp equipage behind, and escaping with only their horses and arms. Leaving the citizens to guard the pack-train, Bernard, with thirty men, followed the flying enemy for sixty miles over a broken and timbered country, passing the footmen, who scattered and hid in the rocks, and encamping on Selvie River. During the night the footmen came together, and passing near camp, turned off into some low hills covered with broken rocks and juniper trees.

Upon being pursued, they again scattered like quail, and only two women and children were captured. The following day the train was sent for, and the citizens notified that they could accomplish nothing by coming farther. Bernard continued to follow the trail of the mounted Indians for another day, when he returned to Camp Watson, having travelled 630 miles in twenty-six days. He spoke of a report often before circulated that there were white men among the Malheur band of Shoshones, the troops having heard the English language distinctly spoken during the battle of the 18th. He estimated the number of Indians, men, women, and children, at 300, and the fighting men at eighty. The loss of all their provisions and other property, it was thought, would disable them.[14]

In August Lieutenant-colonel R. F. Beirne, of the 14th infantry, from Camp Watson, marched from The Dalles along the Cañon City road to Boisé, scouting the country along his route. On arriving at Fort Boisé, he was ordered to scout the Burnt River region, where the Indians were more troublesome, if that were possible, than ever before. The same was true of the Powder River district and Cañon City; and the inhabitants complained that the troops drove the Indians upon the settlements. To this charge Steele replied that this could not always be avoided. But the people of the north-eastern part of Oregon asserted, whether justly or not, that Halleck favored California, by using the main strength of the troops in his division to protect the route from Chico to the Idaho mines, so that the California merchants should be able to monopolize the trade of the mines, while the Oregon merchants were left to suffer on the road from the Columbia River to the mines of Idaho, or to protect themselves as they best could. The stage company suffered equally with packers and merchants.

Finally Halleck visited south-eastern Oregon; and

[14] *Alta California*, Aug. 22, 1866; *Mess. and Docs, Abridg.* 1866-7, 501.

going to Fort Boisé by the well-protected Chico route, and thence to the Columbia River, travelling with an escort, and at a time when the Indians were most quiet, being engaged in gathering seeds and roots for food, he saw nothing to excite apprehension.

The legislature, which met in September, and the new governor, George L. Woods, were urged to take some action, which was done.[15] After some discussion, a joint resolution was passed, October 7th, that if the general government did not within thirty days from that date send troops to the protection of eastern Oregon the governor was requested to call out a sufficient number of volunteers to afford the necessary aid to citizens of that part of the state.

General Steele had been quite active since taking the command in Oregon. During the summer he had made four tours of inspection: one to and around Puget Sound, travelling between 600 and 700 miles, a part of the time on horseback. The second tour was performed altogether on horseback, a distance of over 1,200 miles. Leaving The Dalles with an escort of ten men and his aide-de-camp, he proceeded to Camp Watson, where he took one of the cavalry companies sent to that post in April, commanded by Major E. Myers, and continued his journey to Camp Curry and Malheur Lake. While encamped on the east side of the lake, the Indians drove off fifty-two pack-mules belonging to the escort. They were pursued, and the animals recovered, except three which had been killed and eaten. From Lake Malheur Steele proceeded without further interruption to Camp Lyon, and thence to Fort Boisé, where he found General Halleck and staff, returning to The Dalles by the usually travelled road—leaving, it would seem by the complaints of the citizens of Eastern Oregon, Myers' company in the Boisé country. With Halleck, he

[15] See *Woods' Rec.*, MS.; also *U. S. Mess. and Docs*, 1866–7, 503–4, 39th cong. 2d sess; *Or. Jour. Senate*, 1868, 51–5; *Portland Oregonian*, July 14, 1866.

next inspected the forts at the mouth of the Columbia; and on the 13th of August returned to Boisé, crossing Snake River at the mouth of the Bruneau, examining the country in that vicinity with a view to establishing a post. From Bruneau Steele went to the Owyhee mines, and thence to the forks of the Owyhee, where troops were encamped watching the movements of the Indians. Taking an escort of twenty men, under Captain David Perry, he next proceeded to Alvord Valley, arriving at Camp Smith on the 6th of September. Thence he returned to Fort Boisé, and to Vancouver about the time the legislature was considering the subject of raising volunteers.

Soon after the return of Steele and his interview with Woods, recruiting for the 8th regiment United States cavalry was begun in the Willamette Valley, but progressed slowly, the recruiting service having been injured by the action of the legislature, which held out the prospect of a volunteer organization, in which those who would enlist preferred to serve. The movement to recruit, however, by promising to put an additional force in the field, arrested the volunteer movement, and matters were left to proceed as formerly.[16]

[16] In Sept. the Owyhee stage was attacked and two men shot. In Nov. the Indians fired on loaded teams entering Owyhee mines from Snake River by the main road, and killed a man named McCoy, besides wounding one Adams. They fired on the Owyhee ferry, and on a detachment of cavalry, both attacks being made in the night, and neither resulting in anything more serious than killing a horse, and driving off fourteen head of cattle. During the autumn a party of 68 Idaho miners were prospecting on the upper waters of Snake River. A detachment of eleven men were absent from the main party looking for gold, when one of the eleven separated himself from them, to look for the trail of others. On returning, he saw that the detachment had been attacked, and hastened to report to the main company, who, on reaching the place, found all ten men murdered. Their names, so far as known, were Bruce Smith, Edward Riley, David Conklin, William Strong, and George Ackleson. This party were afterward attacked in Montana by the Sioux, when Col Rice and William Smith were killed, and several wounded. See account in *Portland Oregonian*, Nov. 28, 1866. On the 8th of Nov. the Owyhee stage was attacked within four miles of Snake River crossing, a passenger named Wilcox killed, another, named Harrington, wounded in the hip, and the driver, Waltermire, wounded in the side. The driver ran his team two miles, pursued by the Indians, who kept firing on the stage, answered by passengers who had arms. The wheel-horses being at last shot, the party were forced to run for their lives, and escaped. On returning with assistance,

But it cannot be said that Steele did not keep his troops in motion. He decided also to try the effect of a winter campaign, and reëstablished several camps, besides establishing Camp Warner, on the west side of Warner Lake, and Camp Three Forks of Owyhee on the head of the north branch of that river, on the border of the Flint district, and throwing a garrison into each of the two abandoned forts of Lapwai and Walla Walla. Two or three more cavalry companies arrived before December, there being then seven in Oregon and Idaho, besides five companies of the 14th infantry, one of the 1st Oregon infantry, and five of artillery in the department.

A number of scouting parties were out during the autumn, scouring the south-eastern part of Oregon, skirmishing here and there, seldom inflicting or sustaining much loss. On the 26th of September fifty cavalrymen under Lieutenant Small attacked the enemy at Lake Abert, in the vicinity of Camp Warner, and after a fight of three hours routed them, killing fourteen and taking seven prisoners. Their horses, rifles, and winter stores fell into the hands of the troops.

On the morning of the 15th of October Lieutenant Oatman, 1st Oregon infantry, from Fort Klamath, with twenty-two men and five Klamaths as scouts, set out for Fort Bidwell to receive reënforcements and provisions for an extended scouting expedition. He was joined by Lieutenant Small with twenty-seven cavalrymen. The command marched to the Warner

Wilcox was found scalped and mutilated. The mail-bags were cut open and contents scattered. In Dec. twenty savages attacked the Cow Creek farm in Jordan Valley, and taking possession of the stable, riddled the house with bullets and arrows. Having frightened away the inmates, they drove off all the cattle on the place. They were pursued, and the cattle recovered. *U. S. Sec. Int. Rept*, 99–100, vol. iii., 4th cong. 2d sess. *Dalles Mountaineer*, Dec. 7, 1866; *Owyhee Avalanche*, Nov. 17, 1866; *Idaho World*, Nov. 24, 1866. On the 30th of Oct. the Indians raided Surprise Camp, a military station, carrying off grain, tents, tools, etc. Major Walker, promoted from captain, pursued them, when they divided their force, sending off their plunder with some, while a dozen of them charged the soldiers. Four Indians were killed and the rest escaped. *Boise Statesman*, Nov. 8, 1866.

Lake basin, seeking the rendezvous of the enemy. Two days were spent in vain search, when the command undertook to cross the mountains to Lake Abert, at their western base, being guided by Blow, a Klamath chief. After proceeding six miles in a direct course, a deep cañon was encountered running directly across the intended route, which was followed for ten miles before any crossing offered which would permit the troops to pass on to the west. Such a crossing was at last found, the mountains being passed on the 26th, and at eleven o'clock of the day the command entered the beautiful valley of the Chewaucan by a route never before travelled by white men.

About two and a half miles from the point where they entered the valley, Indians were discovered running toward the mountains. Being pursued by the troops, they took up their position in a rocky cañon. Leaving the horses with a guard, the main part of the command advanced, and dividing, passed up the ridges on both sides of the ravine, while a guard remained at its mouth. At twelve o'clock the firing began, and was continued for three hours. Fourteen Indians were killed, and twice as many wounded. The Indians then fled into the mountains, and the troops returned to their respective posts.[17]

Early in November the Shoshones under Panina threatened an attack on the Klamath reservation, in revenge for the part taken against them by the Klamaths in acting as scouts. With a promptness unusual with congress, the treaty made with Panina in September 1865 had been ratified,[18] and this chief was under treaty obligations. But true to his threat, he invaded the Sprague River Valley, where the chief of the Modocs had his home, stealing some of Sconchin's horses. In return, Sconchin pursued, capturing two Snake women. He reported to the agent on the

[17] *Jacksonville Reporter*, Nov. 3, 1866; *Dalles Mountaineer*, Dec. 7, 1866.
[18] *Cong. Globe*, 1865–6, pt v. ap. 402.

reservation that he had conversed with some of Panina's head men, at a distance, in the manner of Indians, and learned from them that the Snakes were concentrating their forces near Goose Lake, preparatory to invading the reservation, and capturing the fort. Applegate, the agent, notified Sprague, who reported to his superiors, saying that he had not men enough to defend the reservation and search for the enemy. The Shoshones did in fact come within a few miles of the post, where they were met and fought by the troops and reservation Indians, losing thirteen killed and others wounded. Meanwhile the troops were gradually and almost unconsciously surrounding the secret haunts of the hostile Shoshones in Oregon, their successes being in proportion to their nearness of approach, the attacking party on either side being usually victorious.[19]

About this time the controversy between the civil and military authorities took a peculiar turn. The army bill of 1866 provided for attaching Indian scouts to the regular forces engaged in fighting hostile bands; and certain numbers were apportioned among the states and territories where Indian hostilities existed, the complement of Oregon being one hundred. Governor Woods made application to General Steele to have these hundred Indians organized into two companies of fifty each, under commanders to be selected by himself, and sent into the field independently of the regular troops, but to act in conjunction with them. This proposition Steele declined, on the ground that the army bill contemplated the employment of Indians as scouts only, in numbers of ten or fifteen to a command.

[19] In Oct. Lieut Patton, of Capt Hunt's company, with 10 men, had a skirmish on Dunder and Blitzen Creek, which runs into Malheur Lake from the south, killing 6 out of 75 Indians, with a loss of 1 man, and 4 horses wounded. *Boisé Statesman*, Oct. 27, 1866. Capt. O'Beirne also had a fight on the Owyhee in Nov., in which he killed 14 and captured 10, losing one man wounded and a citizen, S. C. Thompson, killed. *Id.* Nov. 17, 1866; *Owyhee Avalanche*, Nov. 10, 1866. Baker's command, in Nov. and Dec., killed about 60 Indians. *Dalles Mountaineer*, Dec. 14, 1866; *Sec. War Rept*, i. 481–2, 40th cong. 2d sess.

Being refused by Steele, Woods appealed to Halleck as division commander, who also refused, using little courtesy in declining. The quarrel now became one in which the victory would be with the stronger. Woods telegraphed to the secretary of war a statement of the case, and asked for authority to carry out his plan of fighting Indians with Indians. Secretary Stanton immediately ordered Halleck to conform his orders to the wishes of the governor of Oregon in this respect; and thus constrained, authority was given by Halleck to Woods to organize two companies of fifty Indians each, and appoint their officers. Accordingly, W. C. McKay and John Darragh, both familiar with the Indian language and customs, were appointed lieutenants, to raise and command the Indian companies, which were sent into the field, with the humane orders to kill and destroy without regard to age, sex, or condition.[20]

About the time that the Warm Spring Indians took the field, George Crook, lieutenant-colonel 23d infantry, a noted Indian-fighter in California, was ordered to relieve Marshall in the command of the district of Boisé,[21] as the Idaho newspapers said, "to

[20] Lieuts McKay and Darragh, in giving a personal account of their expedition, relate that their command killed fourteen women and children, which was done in accordance with written and verbal instructions from headquarters of the military district, and much against the wishes of the Indian scouts, who remonstrated against it, on the ground that the Snakes, in their next inroad, would murder their wives and children. *U. S. Sec. Int. Rept*, 1867–8, vol. iii., pt ii., 101, 40th cong. 2d sess. Woods' apology was that the women of the Snake tribe were the most brutal of murderers, and had assisted in the fiendish tortures of Mrs and Miss Ward, and other immigrant women, for which they deserved to suffer equally with the men.

[21] See *Recollections of G. L. Woods*, a manuscript dictation containing many terse and vivid pictures of the modern actors in our history; also *Overland Monthly*, vol. ii., p. 162, 1869.

The following is a complete roster of the officers in the department of the Columbia in the autumn of 1866: Department staff: Frederick Steele, major-gen. commanding department. George Macomber, 2d lieut 14th inf., A. A. insp.-gen. Henry C. Hodges, capt., A. Q. M., bvt lieut-col U. S. A., chief Q. M. Sam. A. Foster, capt., C. S., bvt major U. S. A., C. C. S., Act. A. A. G. P. G. S. Ten Broek, surgeon U. S. A., bvt lieut-col, medical director. George Williams, brevet capt. U. S. A., aide-de-camp. Richard P. Strong, 1st lieut 7th inf., aide-de-camp. Stations and commands: Fort Colville, Capt. John S. Wharton, co. G, 14th inf. Fort Lapwai, Lt J. H. Gallagher, 14th

the satisfaction of everybody." General Crook was a man of quiet determination, and the people of Oregon and Idaho expected great things of him. Nor were they disappointed, for to him is due the credit of subduing the hostile tribes on the Oregon and California frontier, and in Idaho. When the war began, eastern Oregon was for the most part a terra incognita, and the Oregon cavalry had spent four years in exploring it and tracking the Indians to their hitherto unknown haunts. And now the most efficient officers decided that the Indians must be fought in the winter, and Steele, after brief observation, adopted the theory. Then Governor Woods had thrown into the field the best possible aids to the troops in his two companies of Indian allies.

When Crook assumed command in the Boisé district the Indians were already hemmed in by a cordon of camps and posts, with detachments continually in the field harassing and reducing them. About the middle of December Crook took the field with forty soldiers and a dozen Warm Spring allies. On the Owyhee he found a body of about eighty warriors prepared for battle. Leaving ten men to guard camp, he attacked with the remainder, fighting for several hours, when the savages fled, leaving some women and children and thirty horses in his hands. Twenty-

inf., co. E, 8th cav. Fort Walla Walla, Lt Oscar I. Converse, co. D, 8th cav. Fort Stevens, Capt. Leroy L. James, co. C, 2d art. Cape Hancock, Capt. John I. Rogers, co. L, 2d art. Fort Steilacoom, Capt. Chas H. Peirce, co. E, 2d art. San Juan Island, Capt. Thomas Grey, co. I, 2d art. Fort Vancouver, Col G. A. H. Blake, 1st U. S. cav., field, staff, and band; Bvt lieut-col Albert O. Vincent, co. F, 2d art.; Capt. William Kelly, co. C, 8th cavalry. Vancouver Arsenal, Bvt capt. L. S. Babbitt, det. ordnance corps. Camp Watson, Bvt. lieut-col Eugene M. Baker, co. I, 1st cav.; Lieut Amandus C. Kistler, co. F, 14th inf. Camp Logan, Lieut Charles B. Western, 14th inf., co. F, 8th cav. Fort Klamath, Capt. F. B. Sprague, co. I, 1st Or. inf. volunteers. Boisé District: Fort Boisé, Bvt maj.-gen. George Crook, 23d inf.; Bvt col James B. Sinclair, co. H, 14th inf. Camp Three Forks, I. T., Bvt lieut-col John J. Coppinger, cos A and F, 14th inf. Camp C. F. Smith, Capt. J. H. Walker, co. C, 14th inf. Camp Warner, Capt. P. Collins, cos B and D, 14th inf.; Bvt major Edward Myers, co. H, 1st cavalry. Camp Lyon, I. T., Capt. James C. Hunt, co. M, 1st cav. *Off. Arm. Regis.*, 1866, 67; *Portland Oregonian*, Dec. 22, 1866. Capt. David Perry superseded Marshall at Fort Boisé in the interim before Crook's arrival; and Major Rheinhart, 1st Or. inf., was in command at Fort Klamath during the summer of 1866.

five or thirty Indians were killed. Crook lost but one man, Sergeant O'Toole, who had fought in twenty-eight battles of the rebellion.

In January 1867 Crook's men again met the enemy about fifteen miles from the Owyhee ferry, on the road to California. His Indian scouts discovered the Snake camp, which was surprised and attacked at daylight. In this affair sixty Indians were killed and thirty prisoners taken, with a large number of horses. A man named Hanson, a civilian, was killed in the charge, and three of Crook's men wounded. Soon after a smaller camp was discovered; five of the savages were killed, and the remainder captured. An Indian was recognized among the prisoners who had before been captured and released on his promise to refrain from warlike practices in the future, and was shot for violating his parole.[22] From the Owyhee Crook proceeded toward Malheur lake and river, in the vicinity of which the Warm Spring Indian companies had been operating. On the 6th of January McKay attacked a camp, killing three, taking a few horses and some ammunition. He discovered the headquarters of Panina, who had fortified himself on a mountain two thousand feet in height, and climbing the rocks with his men, fought the chief a whole day without gaining much advantage, killing three Shoshones, and having one man and several horses wounded. The same night, however, he discovered another hostile camp, attacking which he killed twelve, and took some prisoners. The snow being fourteen to eighteen inches deep in north-eastern Oregon at this time, the impossibility of keeping up the strength of their horses compelled the scouts to suspend operations.

Meanwhile, notwithstanding the exertions of the troops, it was impossible to check the inroads of the Indians. Only a few years previous to the breaking

[22] *U. S. Int. Rept*, 1867–8, vol. iii. 188, 40th cong. 2d sess; *Owyhee Avalanche*, Jan. 5, 1867.

out of the Shoshone war this tribe was treated with contempt, as incapable of hostilities, other than petty thefts and occasional murders for gain. When they first began their hostile visits to the Warm Spring reservation Robert Newell, one well acquainted with the character of the different tribes, laughed at the terror they inspired, and declared that three or four men ought to defend the agency against a hundred of them. But a change had come over these savages with the introduction of fire-arms and cattle. From cowardly, skulking creatures, whose eyes were ever fastened on the ground in search of some small living thing to eat, the Shoshones had come to be as much feared as any savages in Oregon.[28]

As early as the middle of March detachments of troops were moving on the Cañon City road, and following the trails of the marauders. They travelled many hundred miles, killing with the aid of the allies twenty-four Indians, taking a few prisoners, and destroying some property of the enemy. On the 27th of July Crook, while scouting between Camp C. F. Smith and Camp Harney with detachments from three companies of cavalry, travelling at night and

[28] For example, it takes a brave and somewhat chivalrous savage to rob a stage. On March 25th, as the Boisé and Owyhee stage was coming down the ravine toward Snake River from Reynolds Creek, it was attacked by eight ambushed Indians. The driver, William Younger, was mortally wounded. James Ullman, a California pioneer, a Boisé pioneer, a merchant of Idaho, in attempting to escape, was overtaken and killed. The mail and contents of the coach were destroyed or taken. The same band killed Bouchet, a citizen of Owyhee. A few days previously they had raided a farm, and driven off 23 cattle from Reynolds Creek. On the 25th of April, 8 Shoshones raided the farm of Clano and Cosper, on the Cañon City road, and secured 25 cattle and 2 horses. They were pursued by J. N. Clark, whose house and barn they had destroyed in Sept., who, with Howard Maupin and William Ragan, attacked them as they were feasting on an ox, killing 4 and recovering the stock. One of the Indians killed by Clark was the chief Panina. In the same month Fraser and Stack were killed near their homes on Jordan Creek. In May they attacked C. Shea, a herder on Sinker Creek, and were repelled and pursued by 8 white men, who, however, barely escaped with their lives. Two men, McKnight and Polk, being in pursuit of Shoshones, were wounded, McKnight mortally. The savages burned a house and barn near Inskip's farm, Owyhee, and drove off the stock, which the troops finally recovered. They killed three men in Mormon Basin. On every road, in any direction, they made their raids, firing on citizens and stealing stock. *U. S. Sec. Int. Rept*, 1867–8, iii. 101–3, 40th cong. 2d sess.

lying concealed by day, came upon a large body of the enemy in a cañon in the Puebla Mountains. He had with him the two companies of allies, composed of Warm Spring, Columbia River, and Boisé Shoshones, the first eager for an opportunity of avenging themselves on an hereditary foe. They were allowed to make the attack, leaving the troops in reserve. The Shoshones were completely surrounded, and the allies soon had thirty scalps dangling at their belts. It was rare sport for civilization, this making the savages fight the savages for its benefit.[24] Proceeding toward and when within eight miles of the post, another Indian camp was discovered and surrounded as before, the allies being permitted to perform the work of extermination.

From observing that the Indians were constantly well supplied with ammunition, and that although so many and severe losses were sustained the enemy were not disheartened nor their number lessened, General Crook came to the conclusion that it was not the Oregon tribes alone he was fighting. From a long experience in Indian diplomacy, he had discovered that reservations were a help rather than a hinderance to Indian warfare, premising that the reservation Indians were not really friendly in their dispositions. It was impossible always to know whether all the Indians belonging to a reservation were upon it or not, or what was their errand when away from it. An Indian thought nothing of travelling two or three hundred miles to steal a horse—in fact, the farther his thefts from the reservation the better, for obvious reasons. He was less liable to detection; and then he could say he had been on a hunting expedition, or to gather the seeds and berries which were only to be found in mountains and marshes, where the eye of the agent was not likely to follow him. Meantime he, with

[24] See *Owyhee Avalanche*, in *Oregonian*, Aug. 24, 1867. 'The troops did not fire a shot.' *Boisé Statesman*, in *Shasta Courier*, Aug. 31, 1867.

others like-minded, could make a rapid journey into Oregon, leaving his confederates on the reservation, who would help him to sell the stolen horses on his return for arms and ammunition, and who in their turn would carry these things to the Oregon Indians to exchange for other stolen horses. There were always enough low and vicious white men in the neighborhood of reservations to purchase the property thus obtained by the Indians and furnish them with the means of carrying on their nefarious practices. By this means a never-failing supply of men, arms, and ammunition was pouring into Oregon, furnished by the reservation Indians of California. Such, at all events, was the conviction of Crook, and he determined to act upon it by organizing a sufficient force of cavalry in his district to check the illicit trade being carried on over the border.

It was the intention of Crook to have his troops ready for prosecuting the plan of intercepting these incursions from California by the 1st of July; but owing to delay in mounting his infantry, and getting supplies to subsist the troops in the field, the proposed campaign was retarded for nearly two months. The rendezvous for the expedition was Camp Smith, on the march from which point to Camp Warner, in July, his command intercepted two camps of the migratory warriors, and killed or captured both. Crook left Camp Warner on the 29th of July with forty troops under Captain Harris, preceded by Darragh with his company of scouts, with a view of selecting a site for a new winter camp, the climate of Warner being too severe.[25] Passing southerly around the base of Warner buttes, and north again to the Drew crossing of the shallow strait between Warner lakes,

[25] The winter of 1866–7 was very severe in the Warner Lake region, which has an altitude of nearly 5,000 feet. One soldier, a sergeant, got lost, and perished in the snow. The entire company at Camp Warner were compelled to walk around a small circle in the snow for several nights, not daring to lie down or sleep lest they should freeze to death. *Owyhee Avalanche*, April 6, 1867; *Portland Oregonian*, Aug. 24, 1867.

he encamped on Honey Creek, fifteen miles north-west of Warner, where he found Darragh, whom he followed the next day up the creek ten miles, finding that it headed in a range of finely timbered mountains trending north and south, with patches of snow on their summits. On the 31st the new camp was located in an open-timbered country, on the eastern boundary of California, and received the name of New Warner. It was 500 feet lower than the former camp. On the 1st of August the command returned, having discovered some fresh trails leading toward California, and confirming the theory of the source of Indian supplies. At Camp Warner were found Captain Perry and McKay, who had returned from a scout to the south-east without finding an Indian; while Archie McIntosh, a half-breed Boisé scout, had brought in eleven prisoners, making forty-six killed and captured by the allies within two weeks.

On the 3d of August Crook set out on a reconnoissance to Selvie River and Harney Valley, with the object of locating another winter post, escorted by Lieutenant Stanton, with a detachment of Captain Perry's company, and Archie McIntosh with fifteen scouts. The point selected was at the south end of the Blue Mountains, on the west side, and the camp was named Harney.[26]

On the 16th of August, by a general order issued from headquarters military division of the Pacific, the district of Boisé was restricted to Fort Boisé. Camp Lyon, Camp Three Forks of the Owyhee, and Camp C. F. Smith were made to constitute the district of Owyhee,[27] and placed under the command of General Elliott, 1st cavalry. Fort Klamath and camps Watson, Warner, Logan, and Harney were designated as constituting the district of the lakes, and assigned to the command of Crook, who also had

[26] *Gen. Orders Dept Columbia*, Nov. 26, 1867.
[27] A few months later Boisé was incorporated in the district of Owyhee.

command of the troops at Camp Bidwell, should he require their services.

Having at last obtained a partial mount for his infantry, Crook set out about September 1st for that part of the country from which he believed the reenforcements of the Indians to come, with three companies of cavalry, one of mounted infantry, and all the Indian allies. It was hoped by marching at night and lying concealed by day to surprise some considerable number of the enemy. But it was not until the 9th that Darragh reported finding Indians in the tules about Lake Abert. On proceeding from camp on the east side of Goose Lake two days in a north course, the trail of a party of Indians was discovered, but Crook believed them to be going south, and dividing his force, sent captains Perry and Harris and the Warm Spring allies north to scout the country between Sprague and Des Chutes rivers, taking in Crooked River and terminating their campaign at Camp Harney in Harney Valley.

At the same time he took a course south-east to Surprise Valley, with the mounted infantry under Madigan, one cavalry company under Parnell, and the Boisé scouts under McIntosh. Having found that there were Indians in the mountains east of Goose Lake, but having proof that they had also discovered him, instead of moving at night, as heretofore, he made no attempt to conceal himself, but marched along the road as if going to Fort Crook, and actually did march to within twenty miles of it; but when he came to a place where he was concealed by the mountains along the river on the south side, he crossed over and encamped in a timbered cañon.

On the 25th the command was marched in a course south-east, along the base of a spur of the mountains covered with timber. While passing through a ravine a small camp of Indians was discovered, who fled, and were not pursued. Coming soon after to a plain trail leading toward the south fork of Pit River,

it was followed fifteen miles, and the camp for the night made in a cañon timbered with pine, with good grass and water. Signs of Indians were plenty, but the commander was not hopeful. The horses were beginning to fail with travelling over lava-beds, and at night; the Indians were evidently numerous and watchful; and there was no method of determining at what point they might be expected to appear. Forewarned in a country like that on the Pit River, the advantages were all on the side of the Indians.

The march on the 26th led the troops over high table-land, eastward along a much used trail, where tracks of horses and Indians were frequent, leading finally to the lava-bluffs overlooking the south branch of Pit River, and through two miles of cañon down into the valley. Here the troops turned to the north along the foot of the bluffs, and when near the bend of the river the scouts announced the discovery of Indians in the rocks near by. Crook prepared for battle by ordering Parnell to dismount half his men and form a line to the south of the occupied rocks, while Madigan formed a similar line on the north side, the two uniting on the east in front of the Indian position. McIntosh with his scouts was ordered back to the bluff overlooking the valley, the troops getting into position about one o'clock, and the Indians waiting to be attacked in the rocks.

The stronghold was a perpendicular lava-wall, three hundred feet high, and a third of a mile long on the west side of the valley. At the north end was a ridge of bowlders, and at the south end a cañon. In front was a low sharp ridge of lava-blocks, from which there was a gradual slope into the valley. These several features of the place formed a natural fortification of great strength. But there were yet other features rendering it even more formidable. Running into its south-eastern boundary were two promontories, a hundred and fifty feet in length, thirty in height, with perpendicular walls parallel to each other and about

thirty feet apart, making a scarped moat which could not be passed. At the north end of the eastern promontory the Indians had erected a fort of stone, twenty feet in diameter, breast-high, pierced with loop-holes; and on the western promontory two larger forts of similar construction. Between this fortress and the bluff where the scouts were stationed were huge masses of rocks of every size and contour. The only approach appearing practicable was from the eastern slope, near which was the first fort.

At the word of command Parnell approached the cañon on the south. A volley was fired from the fort, and the Indians fell back under cover, when the assailants by a quick movement gained the shelter of the rocky rim of the ravine; but in reconnoitring immediately afterward they exposed themselves to another volley from the fort, which killed and wounded four men. It was only by siege that the foe could be dislodged. Accordingly Eskridge, who had charge of the horses, herders, and supplies, was ordered to go into camp, and preparations were made for taking care of the wounded, present and prospective.

The battle now opened in earnest, and the afternoon was spent in volleys from both sides, accompanied by the usual sounds of Indian warfare, in which yells the troops indulged as freely as the Indians. A squad of Parnell's men were ordered to the bluff to join the scouts, and help them to pour bullets down into the round forts. The Indians were entirely surrounded, yet such was the nature of the ground that they could not be approached by men in line, and the firing was chiefly confined to sharp-shooting. The range from the bluffs above the fort was about four hundred yards, at an angle of forty-five degrees; and hundreds of shots were sent during the afternoon down among them. From the east fort shots could reach the bluff from long-range guns, and it was necessary to keep under cover. All the Indians who could

be seen were clad only in a short skirt, with feathers in their hair. One of them, notwithstanding the cordon of soldiers, escaped out of the fortress over the rocky ridge and bluff, giving a triumphant whoop as he gained the level ground, and distancing his pursuers. It was conjectured that he must have gone either for supplies or rëenforcements.

Thus wore away the afternoon. As night approached Crook, who by this time had reconnoitred the position from every side, directed rations to be issued to the pickets stationed around the stronghold to prevent escapes. When darkness fell the scouts left the bluff and crept down among the rocks of the ridge intervening between the bluff and the fortress, getting within a hundred feet of the east fort. The troops also now carefully worked themselves into the shelter of the rocks nearer to the Indians, who evidently anticipated their movements and kept their arrows flying in every direction, together with stones, which they threw at random. In the cross-fire kept up in the dark one of Madigan's men was killed by Parnell's company. All night inside the forts there was a sound of rolling about and piling up stones, as if additional breastworks were being constructed. Whenever a volley was fired by the troops in the direction of these noises, a sound of voices was heard reverberating as if in a cavern. During the early part of the night there were frequent flashes of lightning and heavy peals of thunder. In the mean time no change was apparent in the position of affairs.

At daybreak Parnell and Madigan were directed to bring in their pickets and form under the crest of the ridge facing the east fort, while the scouts were ordered to take position on the opposite side of the ridge, and having first crawled up the slope among the rocks as far as could be done without discovering themselves, at the word of command to storm the fort.[28] At sunrise the command Forward! was given.

[28] 'The general talked to the men like a father; told them at the word

The men, about forty in number, sprang to their feet and rushed toward the fort. They had not gone twenty paces when a volley from the Indians struck down Lieutenant Madigan, three non-commissioned officers, three privates, and one citizen—eight in all. The remainder of the storming party kept on, crossing a natural moat and gaining the wall, which seemed to present but two accessible points. Up one of these Sergeant Russler, of Company D, 23d infantry, led the way; and up the other, Sergeant Meara and Private Sawyer, of Company H, 1st cavalry, led at different points. Meara was the first to reach a natural parapet surrounding the east fort on two sides, dashing across which he was crying to his men to come on, when a shot struck him and he fell dead. At the same moment Russler came up, and putting his gun through a loop-hole fired, others following his example. He was also struck by a shot.

It was expected that the Indians, being forced to abandon the enclosure which was now but a pen in which all might be slaughtered, would be easily shot as they came out, and some of the men disposed themselves so as to interrupt their anticipated flight; but what was the surprise of all to see that as fast as they left the fort they disappeared among the rocks as if they had been lizards. In a short time the soldiers had possession of the east fort, but a moment afterward a volley coming across from the two forts on the west, and scattering shots which appeared to come from the rocks beneath, changed the position of the besiegers into that of the besieged. Several men more were wounded, one more killed, and the situation became critical in the extreme.

But notwithstanding the Indians still had so greatly the advantage, they seemed to have been shaken in their courage by the boldness of the troops in storm-

Forward! they should rise up quick, go with a yell, and keep yelling, and never think of stopping until they had crossed the ditch, scaled the wall, and broken through the breastworks, and the faster the better.' J. Wasson, in *Oregonian*, Nov. 12, 1867.

ing the east fort, or perhaps they were preparing a surprise. A continuous lull followed the volley from the west forts, which lasted, with scattering shots, until noon, though the men exposed themselves to draw the fire of the enemy and uncover his position. One shot entered a loop-hole and killed the soldier stationed there. Shots from the Indians became fewer during the afternoon, while the troops continued to hold the east fort, and pickets were stationed who kept up a fire wherever any sign of life appeared in the Indian quarter. The west forts, being inaccessible, could not be stormed. There was nothing to do but to watch for the next movement of the Indians, who so far as known were still concealed in their fortifications, where the crying of children and other signs of life could be heard through the day and night of the 27th.

On the morning of the 28th, the suspense having become unbearable, Crook permitted an Indian woman to pass the lines, from whom he received an explanation of the mysterious silence of the Indian guns. Not a warrior was left in the forts. By a series of subterranean passages leading to the cañon on the south-west, they had all escaped, and been gone for many hours. An examination of the ground revealed the fact that by the means of fissures and caverns in the sundered beds of lava, communication could be kept up with the country outside, and that finding themselves so strongly besieged they had with Indian mutability of purpose given up its defence, and left behind their women and children to deceive the troops until they were safely away out of danger. To attempt the examination of these caves would be foolhardy. A soldier, in descending into one, was shot through the heart, probably by some wounded Indian left in hiding there. The extent and depth of the caverns and fissures would render futile any attempt to drive out the savages by fire or powder. Nothing remained but to return to Camp Warner, which movement was begun on the 30th, and ended on the

4th of October at the new post in the basin east of Lake Abert.

The result of this long-projected campaign could not be said to be a victory. According to Wassen, it was not claimed by the troops that more than fifteen Indians were killed at the Pit River fortress, while the loss sustained by the command in the two days' siege was eight killed and twelve wounded.[29] That General Crook sacrificed his men in the affair of Pit River in his endeavor to achieve what the public expected of him is evident, notwithstanding the laudatory and apologetic accounts of the correspondents of the expedition. Had he let his Indian scouts do the fighting in Indian fashion, while he held his troops ready to succor them if overpowered, the result might have been different. One thing, indeed, he was able to prove, that the foe was well supplied with ammunition, which must have been obtained by the sale of property stolen in marauding expeditions to the north. Stored among the rocks was a plentiful supply of powder and caps, in sacks, tin cans, and boxes, all quite new, showing recent purchases. The guns found were of the American half-stocked pattern, indicating whence they had been obtained, and no breech-loading guns were found, though some had been previously captured by these Indians.

The expedition under Perry, which proceeded north,

[29] There is a discrepancy between the military report, which makes the number of killed five, and Wassen's, which makes it eight; but I have followed the latter, because his account gives the circumstances and names. The list is as follows: Killed: Lieut John Madigan, born in Jersey City, N. J.; sergeants Charles Barchet, born in Germany, formerly of 7th Vt volunteers, Michael Meara, born in Galway, Ireland, 18 years in U. S. A., and Sergeant Russler; privates James Lyons, born in Peace Dale, R. I.; Willoughby Sawyer, born in Canada West; Carl Bross, born in Germany, lived in Newark, N. J.; James Carey, from New Orleans. Wounded: corporals McCann, Fogarty, Firman; privates Clancy, Fisher, Kingston, McGuire, Embler, Barbee, Shea, Enser; and Lawrence Traynor, civilian. The remains of Lieut Madigan were taken one day's march from the battle-field, and buried on the north bank of Pit River, about twenty miles below the junction of the south branch. The privates were buried in the valley of the south branch, half a mile north of the forts. The wounded were conveyed on mule litters to New Camp Warner. Corr. *S. F. Bulletin*, in *Portland Herald*, Dec. 10, 1867; J. Wassen, in *Oregonian*, Nov. 12, 1867; *Hayes' Indian Scrape*, v. 141; *General Order Dept Columbia*, no. 32, 1867.

failed to find any enemy. Lieutenant Small, however, with fifty-one men from Fort Klamath and ten Klamath scouts, was more successful, killing twenty-three and capturing fourteen in the vicinity of Silver and Abert lakes, between the 2d and 22d of September. Among the killed were two chiefs who had signed the treaty of 1864, and an influential medicine-man. Panina having also been killed by citizens while on a foray on the Cañon City and Boisé road in April, as will be remembered, there remained but few of the chiefs of renown alive.[30]

For about two months of the summer of 1867, while Captain Wildy of the 6th cavalry was stationed on Willow Creek in Mormon Basin, to intercept the passage north of raiding parties, the people along the road between John Day and Snake rivers enjoyed an unaccustomed immunity from depredations. But early in September Wildy was ordered to Fort Crook, in California, and other troops withdrawn from the north to strengthen the district of the lakes. Knowing what would be the effect of this change, the inhabitants of Baker county petitioned Governor Woods for a permanent military post in their midst, but petitioned in vain, because the governor was not able to persuade the general government to listen favorably, nor to dictate to the commander of the department of the Columbia what disposition to make of his forces. Wildy's company had hardly time to reach Fort Crook when the dreaded visitations began.[31] About the last

[30] *Oregonian*, Nov. 4 and 12, 1867; *Jacksonville Sentinel*, Sept. 28, 1867; *Yreka Union*, Oct. 5, 1867; *S. F. Alta*, Sept. 28, 1867.

[31] The first attack was made Sept. 28th upon J. B. Scott, who with his wife and children was driving along the road between Rye Valley and their home on Burnt River. Scott was killed almost instantly, receiving two fatal wounds at once. The wife, though severely wounded, seized the reins as they fell from the hands of her dead husband, and urging the horses to a run, escaped with her children, but died the following day. This attack was followed by others in quick succession. *Oregonian*, Oct. 4, 7, 9, 1867; *Umatilla Columbia Press*, Oct. 5, 1867. On the morning of the 3d of October a small band of Indians plundered the house of a Mr Howe, a few miles east of Camp Logan, and a detachment of seven men of company F, 8th cavalry, was sent under Lieut Pike to pursue them. Pike may have been a valuable officer,

of October General Steele ordered a cavalry company to guard the roads and do picket duty in the Burnt River district.

But depredations were not confined to the Oregon side of Snake River. They were quite as frequent in Boisé and Owyhee districts, where there was no lack of military camps. So frequent were the raids upon the stock-ranges[32] that the farmers declared they must give up their improvements and quit the country unless they were stopped. At length they organized a force in the lower Boisé Valley. Armed with guns furnished by Fort Boisé, and aided by a squad of soldiers from that post, they scouted the surrounding country thoroughly, retaking some stock and killing two Indians.[33] But while they recovered some of their property, the stage station at the mouth of the Payette River was robbed of all its horses.[34] And this was the oft-repeated experience of civil and military parties. Blood as well as spoils marked the course of the invaders.[35] Stages, and even the Snake River

but he was not experienced in Indian-fighting. He was eagerly pushing forward after the guides, who had discovered the camp of the thieves, when he imprudently gave a shout, which sent the savages flying, leaving a rifle, which in their haste was forgotten. Pike very foolishly seized it by the muzzle and struck it on a rock to destroy it, when it exploded, wounding him fatally, which accident arrested the expedition; and a second, under Lieut Kauffman, failed to overtake the marauders. *Oregonian*, Nov. 4, 1867; *Gen. Order Headquarters Dept Columbia*, no. 32.

[32] On the night of Oct. 3d, within half a mile of Owyhee City, Joseph F. Colwell, a highly respected citizen, was killed, scalped, and burned. On the following night a raid was made on the cattle in Jordan Valley, within 3 miles of Silver City. Four separate incursions were made into Boisé Valley during the autumn. *Owyhee Avalanche*, Oct. 5, 1867; *Boisé Statesman*, Oct. 22, Dec. 17, 1867; *Boisé Democrat*, Dec. 21, 1876.

[33] A farmer who belonged to the volunteer company of Boisé Valley stated that one of the Indians killed was branded with a circle and the figures 1845, showing that 22 years before he had been thus punished for offences of a similar kind.

[34] There was a chief known to his own people as Oulux, and to the settlers as Bigfoot, who led many of these raids. He was nearly 7 feet in height, and powerfully built, with a foot 14¾ inches in length. The track of this Indian could not be mistaken. He was in Crook's first battle in the spring, on the Owyhee, with another chief known as Littlefoot. *Yreka Union*, Feb. 9, and Nov. 11, 1867. Bigfoot was killed by an assassin, who lay in wait for him, and his murderer promised him to guard from the public the secret of his death, of which he was ashamed.

[35] On the 21st of October, in the morning, occurred one of the most painful of the many harrowing incidents of the Shoshone war. Two sergeants, named

steamer *Shoshone*, were attacked. Letters and newspapers were found in Indian camps clotted with human gore. The people, sick of such horrors, cried loudly for relief. But at this juncture, when their services were most needed, the Indian allies were mustered out, although General Steele, in making his report, fully acknowledged their value to the service, saying they had done most of the fighting in the late expeditions, and proved efficient guides and spies.[36]

On the 23d of November Steele relinquished the command of the department of the Columbia,[37] which

Nichols and Denoille, left Camp Lyon in a four-horse ambulance to go to Fort Boisé, Denoille having with him his wife, who was in delicate health. Nine miles from camp, while passing through a rocky cañon, they were attacked by Indians in ambush, and Denoille, who was driving, was killed at the first fire. Nichols, not knowing that his comrade was hit, was giving his attention to the Indians, when Denoille fell out of the wagon dead, and the horses becoming frightened ran half a mile at the top of their speed, until one fell and arrested the flight of the others. Nichols now sprang out, followed by Mrs Denoille, whom he urged to conceal herself before the Indians came up; but being bereft of her reason by the shock of the tragedy, she insisted on returning to find her husband; and Nichols, hiding among the rocks, escaped to Carson's farm that evening. When a rescuing party went out from Silver City after Denoille's body, which was stripped and mutilated, nothing could be learned of the fate of his wife. A scouting party was immediately organized at Camp Lyon. At the Owyhee River the troops came upon a camp, from which the inmates fled, leaving only two Indian women. These women declared that Mrs Denoille had not been harmed, but was held for ransom. One of them being sent to inquire what ransom would be required, failed to return, when the troops retreated to camp to refit for a longer expedition. Col Coppinger and Capt. Hunt immediately resumed the pursuit, but the Indians had escaped. About the middle of Dec. a scouting party attacked a camp of twenty savages, killing five and capturing six. Some of Mrs Denoille's clothing was found on one of the captured women, who said that the white captive was taken south to Winnemucca to be held for a high ransom. It was not until in the summer of 1868 that the truth was ascertained, when to a scout named Hicks was pointed out the place of the woman's death, and her bleaching bones. She had been taken half a mile from the road where the attack was made, dragged by the neck to a convenient block of stone, her head laid upon it, and crushed with another stone. The Indian who described the scene, and his part in it, was riddled by the bullets of the company. *Boisé Statesman*, Oct, 24, 26, and Dec. 17, 1867; *Owyhee Avalanche*, June 13, 1868.

[36] *Rept Sec. War*, 1867-8, i. 79; *Oregonian*, Dec. 23, 1867.

[37] Steele was born in Delhi, N. Y., graduated at West Point in 1843, and received a commission as 2d lieut in the 2d reg. U. S. inf. He served under Scott in Mexico, and was brevetted 1st lieut, then captain, for gallant conduct at the battles of Contreras and Chapultepec; and was present at the taking of the city of Mexico. After the Mexican war he was stationed in Cal., on duty as adj. to Gen. Riley. At the outbreak of the rebellion he was ordered to Missouri, where he was soon promoted to the rank of major in the 11th U. S. inf. For gallant services at Wilson's Creek, he was made a brig. gen. of volunteers; and for subsequent services brevetted maj. gen. On leaving Oregon he was granted an extended leave of absence, from which he anticipated much pleasure, but died suddenly of apoplexy, in S. F.

was assumed by General L. H. Rosseau, who, however, made no essential changes in the department. Arrangements were continued in each district for a winter campaign of great activity.[38] The military journals contain frequent entries of skirmishes, with a few Indians killed, and more taken prisoners; with acknowledgments of some losses to the army in each. Crook, whose district was in the most elevated portion of the country traversed, kept some portion of the troops continually in the field, marching from ten to twenty miles a day over unbroken fields of snow from one to two feet in depth. In February he was on Dunder and Blitzen Creek,[39] south of Malheur Lake, where he fought the Indians, killing and capturing fourteen. While returning to Warner, a few nights later, the savages crept up to his camp, and killed twenty-three horses and mules by shooting arrows into them and cutting their throats. Crook proceeded toward camp Warner, but sent back a detachment to discover whether any had returned to feast on the horse-flesh. Only two were found so engaged, who were killed. Another battle was fought with the Indians, in the neighborhood of Steen Mountain, on the 14th of April, when several were killed.

The troops at Camp Harney made a reconnoissance of the Malheur country in May, which resulted in surprising ten lodges on the north fork of that river near Castle Rock, or as it was sometimes called, Malheur Castle, and capturing a number of the enemy, among whom was a notorious subchief known as E. E. Gantt, who professed a great desire to live thereafter in peace, and offered to send couriers to bring in his warriors and the head chief, Wewawewa, who, he declared, was as weary of conflict as himself.[40] On

[38] See general order No. 5. district of Owyhee, in *Oregonian*, Nov. 1867.

[39] So named by Curry's troops, who crossed it in a thunder-storm in 1864. *Rept Adjt-Gen. Or.*, 1866, 41.

[40] Gantt had reasons for his humility. He had been engaged in several raids during this spring, driving off the stock from Mormon basin between Burnt and Malheur rivers, and capturing two trains of wagons. At length the farmers organized a company, and in concert with the troops from Camp

this promise he was released, his family, and in all about sixty prisoners, with their property, and the stock plundered from the settlers remaining in the hands of the troops. A messenger was sent to intercept General Crook, who, having been temporarily assigned to the command of the department of the Columbia, was on his way to the north.

The Indians had sustained some reverses in Idaho, among which was the killing of thirty-four who had attacked the Boisé stage in May, killing the driver and wounding several other persons. Many prisoners had also been taken during the winter, and some had voluntarily surrendered. Rosseau had issued an order in February that all the Indians taken in the district of Owyhee should be sent under guard to Vancouver, and those taken in the district of the lakes should be sent to Eugene City, via Fort Klamath, to be delivered to the superintendent of Indian affairs. Those at Boisé took advantage of a severe storm, when the guards were less vigilant than usual, to recover their freedom; but as they only escaped to find themselves given up by their chiefs, it was a matter of less consequence.

According to an order of Halleck's, no treaty could be made with the Indians by the officers in his division without consulting him, and it became necessary for Crook to wait for instructions from San Francisco. He repaired in the mean time to Camp Harney, where

Colfax, inflicted severe chastisement on a portion of this band. Bigfoot, also, on the east side of Snake River, was captured by the farmers' company of the Payette and the troops from Boisé fort, who happened to come upon his camp at the same time, surrounding it, when the Indians surrendered. *Oregonian*, June 24, 1868. Meanwhile, in the Owyhee district the usual murderous attacks had been going on. In May the Indians again shot and killed the driver of the stage, Robert Dixon, between Boisé City and Silver City; and shot and wounded the passengers in another wagon. In March they had murdered a farmer named Jarvis, near Carson's farm. *Owyhee Avalanche*, March 21, 1868. In June they stole stock and killed a young man named Jonas Belknap, in Mormon basin, who went to recover the horses, cutting his body to pieces, and sticking it full of pointed rods with slices of fat bacon on the ends. *Boisé Statesman*, June 13, 1868. The party which went to find these Indians was attacked in a cañon, and Alex. Sullivan was killed.

the principal chiefs of the hostile bands were assembled, and where a council was held on the 30th of June.

"Do you see any fewer soldiers than two years ago?" asked he. "No; more." "Have you as many warriors?" "No; not half as many." "Very well; that is as I mean to have it until you are all gone."[41] The chiefs knew this was no empty threat, and were terrified. They sued earnestly for peace, and Crook made his own terms. He did not offer to place them on a reservation, where they would be fed while they idled and plotted mischief. He simply told them he would acknowledge Wewawewa as their chief, who should be responsible for their good conduct. They might return free into their own country, and establish their headquarters near Castle Rock on the Malheur, and so long as they behaved themselves honestly and properly they would not be molested. These terms were eagerly accepted, and the property of their victims still in their possession was delivered up.[42]

Crook had no faith in reservations, yet he felt that to leave the Indians at liberty was courting a danger from the enmity of white men who had personal wrongs to avenge which might provoke a renewal of hostilities. To guard against this, he caused the terms of the treaty to be extensively published, and appealed to the reason and good judgment of the people, reminding them what it had cost to conquer the peace which he hoped they might now enjoy.[43] With regard to the loss of life by fighting Indians in Oregon and Idaho up to this time, it is a matter of surprise that it was so small. The losses by murderous attacks out of battle were far greater. From the first settlement of Oregon to June 1868, the whole number of persons

[41] See letter to Gov. Ballard of Idaho, in *Oregonian*, July 29, 1868; *Overland Monthly*, 1869, 162.

[42] Among the relics returned were articles belonging to three deserting soldiers, whose fate was thus ascertained.

[43] *Mess. and Docs*, 1868–9, 380–6; *Hayes' Indian Scraps*, v. 142; *Oregonian*, July 13, 1868.

known to be killed and wounded by Indians was 1,394. Of these only about 90 were killed or wounded in battle. The proportion of killed to wounded was 1,130 to 264, showing how certain was the savage aim. A mighty incubus seemed lifted off the state when peace was declared. General Crook, now in command of the department, was invited to Salem at the sitting of the legislative assembly to receive the thanks of that body.[44]

The treaty which had been made was with the Malheur and Warner Lake Shoshones only. There were still some straggling bands of Idaho Shoshones who were not brought in until August; and the troops still scouting on the southern border of Oregon continued for some time to find camps of Pah Utes, and also of the Pit River Indians, with whom a council was subsequently held in Round Valley, California. Early in July between seventy and eighty of Winnemucca's people with three subchiefs were captured, and surrendered at Camp C. F. Smith, "where," said Crook in one of his reports, "there seems to be a disposition to feed them, contrary to instructions from these headquarters."

The Indians had submitted to force, but it was a tedious task, subjecting them to the Indian department, which had to be done. Crook had said to them, "You are free as air so long as you keep the peace;" but the Indian superintendent said, "You signed a treaty in 1865 which congress has since ratified, and you must go where you then agreed to go, or forfeit the benefits of the treaty; and we have, besides, the power to use the military against you if you do not." This argument was the last resorted to. The tone of the Indian department was conciliatory; sometimes too much so for the comprehension of savages. They never conceded anything unless forced to do so, and how should they know that the white race practised

[44] See *Senate Joint Resolution*, no. 6, in *Or. House Jour.*, 1868, 85–6; *Or. Laws*, 1868, 99–100, 102–3; *Or. Legis. Docs*, 1868; *Governor's Message*, 4–5.

such magnanimity? Crook cautioned his subordinates on this point, telling them to disabuse the minds of the Indians of the notion that the government was favored by their abstinence from war.

Superintendent Huntington, who had talked with Wewawewa about the settlement of his people, was told that the Malheur Indians would consent to go upon the Siletz reservation in western Oregon, but that those about Camp Warner would not, and nothing was done toward removing them in 1868. Meantime Huntington died, and A. B. Meacham was appointed in his place. A small part of the Wolpape and Warner Lake Shoshones consented to go upon the east side of Klamath reservation; but in 1869 most of these Indians were at large, and sufficiently unfriendly to alarm the white inhabitants of that part of the state.

And now the bad effects of the late policy began to appear. When the Shoshones were first conquered they would have gone wherever Crook said they must go. But being so long free, they refused to be placed on any reservation. Other tribes, imitating their example, were restless and dissatisfied, even threatening, and affairs assumed so serious an aspect that Crook requested the commander of the division to withdraw no more troops from Oregon, as he felt assured any attempt to forcibly remove the Indians—a measure daily becoming more necessary to the security of the settlements—would precipitate another Indian war, and that the presence of the military was at that time necessary to restrain many roving bands from committing depredations.[45]

About the 20th of October Superintendent Meacham, assisted by the commanding officer at Camp Harney, held a council with the Indians under We-

[45] The facts here stated are taken from the military correspondence in the dept of the Columbia, copied by permission of General Jeff C. Davis, to whose courtesy I have been much indebted. For convenience, I shall hereafter refer to these letters as *Military Correspondence*, with appropriate date. The above expression of opinion was dated May 8, 1869.

wawewa, which ended by their declining to go upon the Klamath reservation as requested, because Crook, who could have persuaded them to it, declined to do so,[46] for the reason that he believed that Meacham had promised more than he would be able to perform.

Early in November Meacham held a council with the Indians assembled at Camp Warner under Otsehoe, a chief who controlled several of the lately hostile bands, and persuaded this chief to go with his followers upon the Klamath reserve. But the war department gave neither encouragement nor material assistance, although Otsehoe and other Indians about Warner Lake were known to Crook to be amongst the worst of their race, and dangerous to leave at large.[47]

True to his restless nature, Otsehoe left the reservation in the spring of 1870, where his people had been fed through the winter. They deserted in detachments, Otsehoe remaining to the last; and when the commissary required the chief to bring them back, he replied that Major Otis desired them to remain at Camp Warner, a statement which was true, at least in part, as Otis himself admitted.[48]

Otsehoe, however, finally consented to make his home at Camp Yainax, so far as to stay on the reser-

[46] 'I did not order them to go with Mr Meacham, for the reason that I have their confidence that I will do or order only what is best and right, both for themselves and the government.' *Military Correspondence*, Dec. 7, 1869.

[47] 'Among these bands,' says Gen. Crook, 'and those near Harney, are some as crafty and bad as any I have ever seen, and if they are retained in the vicinity of their old haunts, and the Indian department manages them as they have other tribes in most cases, they will have trouble with them.' *Military Correspondence*, March 4, 1869.

[48] 'I do not remember giving any Indians permission to stay here, but I have said that if they came I would not send them back, because they said they could live better here. I shall, however, advise the Indians to go over and see Mr Meacham, in the hope that he will rectify any neglect or wrong that may have been done them.' Otis to Ivan D. Applegate, in *Military Correspondence*, July 18, 1870. Applegate, in reply, says that the Indians were well fed and well treated during the winter, but that crickets had destroyed their growing grain, and Meacham's arrival had been delayed, owing to the tardiness of the Indian department in the east, besides which reasons, sufficient to discourage the unstable Indian mind, Archie McIntosh, one of the Boisé Indian scouts, had been making mischief on the reservation, by representing that Otsehoe was wanted with his people at Camp Warner.

vation during the winter season, but roving abroad in the summer through the region about Warner and Goose lakes. In March 1871, by executive order, a reservation containing 2,275 square miles was set apart, on the north fork of the Malheur River, for the use of the Shoshones. In the autumn of 1873 a portion of them were induced to go upon it, most of whom absented themselves on the return of summer. Gradually, however, and with many drawbacks, the Indian department obtained control of these nomadic peoples, who were brought under those restraints which are the first step toward civilization.[49]

With the settlement of the Shoshones upon a reservation, the title of the Indians of Oregon to lands within the boundaries of the state was extinguished. The Grand Rond reservation in the Willamette Valley was afterward purchased of the Indians and thrown open to settlement. The Malheur reservation was abandoned, the Indians being removed to Washington.[50] Propositions have been made to the tribes on the Umatilla reservation to sell their lands, some of the best in the state, but so far with no success, these Indians being strongly opposed to removal. Ten years after the close of the Shoshone war, claim was laid by a chief of the Nez Perces to a valley in north-eastern Oregon, the narrative of which I shall embody in the history of Idaho. Thus swiftly and mercilessly European civilization clears the forests of America of their lords aboriginal, of the people placed there by the almighty for some purpose of his own, swiftly and mercilessly clearing them, whether done by catholic, protestant, or infidel, by Spaniard, Englishman, or Russian, or whether done in the name of Christ, Joe Smith, or the devil.

[49] *Ind. Aff. Rept*, 1873, 320–4; *H. Ex. Doc.*, 99, 43d cong. 2d sess.; *Oregon Avalanche*, Oct. 11, 1873.

[50] Winnemucca's people refused to remain at the Yakima agency, and made their exodus a few years ago to Nevada, whence they came.

CHAPTER XXII.

THE MODOC WAR.

1864–1873.

LAND OF THE MODOCS—KEINTPOOS, OR CAPTAIN JACK—AGENTS, SUPERINTENDENTS, AND TREATIES—KEINTPOOS DECLINES TO GO ON A RESERVATION—RAIDS—TROOPS IN PURSUIT—JACK TAKES TO THE LAVA-BEDS—APPOINTMENT OF A PEACE COMMISSIONER—ASSASSINATION OF CANBY, THOMAS, AND SHERWOOD—JACK INVESTED IN HIS STRONGHOLD—HE ESCAPES—CRUSHING DEFEAT OF TROOPS UNDER THOMAS—CAPTAIN JACK PURSUED, CAUGHT, AND EXECUTED.

THE Modoc war, fought almost equally in California and Oregon, is presented in this volume because that tribe belonged to the Oregon superintendency, and for other reasons which will appear as I proceed. From the time that certain of Frémont's men were killed on the shore of Klamath Lake down to 1864, when superintendent Huntington of Oregon entered into a treaty with them and the Klamaths, the Modocs[1] had been the implacable enemies of the white race, and were not on much more friendly terms with other tribes of their own race, sustaining a warlike character everywhere. They lived on the border-land between California and Oregon, but chiefly in the latter, the old head chief, Sconchin, having his home on Sprague River, which flows into the upper Klamath Lake, and the subchiefs in different localities.

Keintpoos, a young subchief, had his headquarters

[1] Modoc, according to E. Steele of Yreka, is a Shasta word signifying 'stranger,' or 'hostile stranger,' and came into use as a name by white miners, through hearing the Shastas use it. *Ind. Aff. Rept*, 1864, 121. Linsey Applegate, who is familiar with their history, has a list of persons killed by them, to the number of 95. *Historical Correspondence*, MS.

anywhere about Tule Lake, ranging the country from Link River, between the two Klamath lakes, to Yreka, in California. He was called Captain Jack by the white settlers, on account of some military ornaments which he had added to his ordinary shirt, trousers, and cap; was not an unadulterated savage, having lived long enough about mining camps to acquire some of the vices of civilization, and making money by the prostitution of the women of his band more than by honest labor. Some of the boys of this band of Modocs were employed as house-servants in Yreka, by which means they acquired a good understanding of the English language, and at the same time failed not to learn whatever of evil practices they observed among their superiors of the white race. During the civil war they heard much about the propriety of killing off the white people of the north, and other matters in harmony with their savage instincts; and being unable to comprehend the numerical strength of the American people, conceived the notion that this was a favorable time to make war upon them, while their soldiers were fighting a long way off.

E. Steele, Indian superintendent of California, when he entered upon the duties of his office in 1863, found the Klamaths and Modocs, under their chiefs Lalake and Sconchin, preparing to make war upon southern Oregon and northern California, having already begun to perpetrate those thefts and murders which are a sure prelude to a general outbreak. The operations of the 1st Oregon cavalry and the establishment of Fort Klamath to prevent these outrages are known to the reader. In February 1864 the Modocs on the border of Oregon and California, who spent much of their time in Yreka, being alarmed lest punishment should overtake them for conscious crimes, sought the advice of Steele, who, ignoring the fact that they had been allotted to the Oregon superintendency, took the responsibility of making with them a treaty of friendship and peace. This agreement was between Steele

individually and Keintpoos' band of Modocs, and required nothing of them but to refrain from quarrels amongst themselves, and from theft, murder, child-selling, drunkenness, and prostitution in the white settlements. The penalty for breaking their agreement was, to be given up to the soldiers. The treaty permitted them to follow any legitimate calling, to charge a fair price for ferrying travellers across streams, and to act as guides, if desired to do so. On the part of the white people, Steele promised protection when they came to the settlements, but advised their obtaining passes from the officers at Fort Klamath, to which they were informed that they would be required to report themselves for inspection.

This action of Steele's, although prompted by a desire to prevent an outbreak, was severely criticised later. He was aware that congress had granted an appropriation for the purpose of making an official treaty between the superintendent of Oregon, the Modocs, and the Klamaths, and that the latter had been fed during the winter previous at the fort, in anticipation of this treaty. For him to come in with an individual engagement was to lay the foundation for trouble with the Modocs, who were entirely satisfied with a treaty, which left them free to visit the mining camps, and to perpetrate any peccadilloes which they were cunning enough to conceal, while a government treaty which would restrain them from such privileges was not likely to be so well received or kept. Keintpoos did, however, agree to the treaty of October 1864, at the council-grounds on Sprague River, whereby the Klamaths and Modocs relinquished to the United States all the territory ranged by them, except a certain large tract lying north of Lost River Valley.

Sconchin, the head chief of all the Modocs, was now an old man. In his fighting days he had given immigrants and volunteer companies plenty to do to avoid his arrows. It was through his warlike activities

that the rocky pass round the head of Tule Lake came to be called Bloody Point. Yet he had observed the conditions of the treaty faithfully, living with his band at his old home on Sprague River, within the limits of the reservation, and keeping his people quiet. But Keintpoos, or Captain Jack, as I shall henceforth call him, still continued to occupy Lost River Meadows, a favorite grazing-ground, where his band usually wintered their ponies, and to live as before a life combining the pleasures of savagery and civilization, keeping his agreement neither with Steele nor the United States, two of his followers being arrested in 1867 for distributing ammunition to the hostile Snakes.

This practice, with other infringements of treaty obligations, led the agent in charge of the Klamath reservation in 1868 to solicit military aid from the fort to compel them to go upon the reserve,[2] which was not at that time granted.

In 1869 the settlers of Siskiyou county, California, petitioned General Crook, in command of the Oregon department, to remove the Modocs to their reservation, saying that their presence in their midst was detrimental to the interests of the people. Crook replied that he would have done so before but for a report emanating from Fort Klamath that the Indian agent did not feed them.[3] After some weeks, however, he, on the demand of Superintendent A. B. Meacham, ordered Lieutenant Goodale, commanding at Fort Klamath, to put Jack and his band upon the reserve if in his belief the Indian department was prepared to care for them properly. Accordingly, in December, Meacham obtained a detachment of troops and repaired to the ford on Lost River, where he had an interview with Jack, informing him of the purpose of the government to exact the observance of the

[2] *Yreka Journal*, Nov. 15, 1867; *Woodbridge Messenger*, Nov. 23, 1867; *Ind. Aff. Rept*, 1868, 124.

[3] *Military Correspondence*, Oct. 14, and Dec. 7, 1869; *Ind. Aff. Rept*, 1869, 155; *Portland Oregonian*, Aug. 4, 1868.

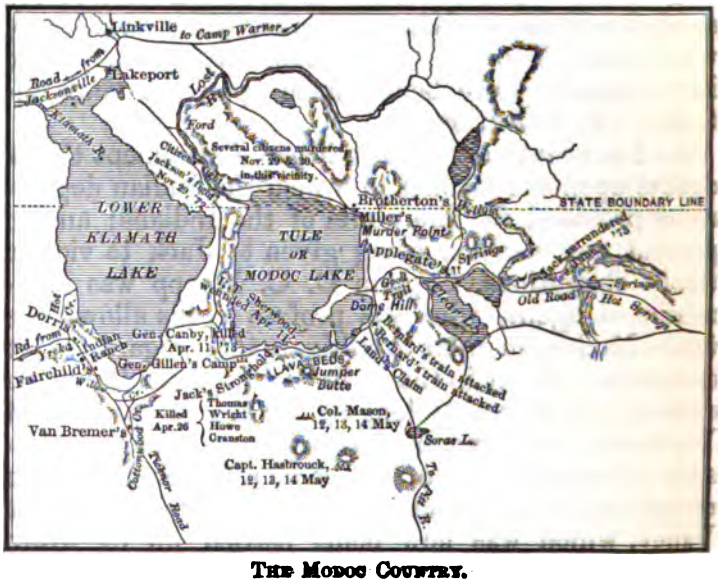
treaty. Jack hesitated and prevaricated, and during the night fled with a part of his followers to the lava-beds south of Tule Lake, leaving the camp in charge of two subchiefs, George and Riddle. But Meacham remained upon the ground, and after two or three days' correspondence with Jack by means of messengers, obtained his consent to come upon the reservation with his people, Jack at the same time confiding his resolve to George not to remain longer than he found it agreeable.[4] Meacham established Jack comfortably at Modoc Point, on Klamath Lake, by his own desire, where also Sconchin was temporarily located while improvements were being made upon the lands intended for cultivation.

As I have intimated, the military department threw doubts upon the manner in which the Indian department provided for the wants of the Indians; and to prevent any occasion being given to Jack to violate treaty obligations, Captain O. C. Knapp was commissioned agent,[5] who was profuse in his allowances to the Modocs in order to cultivate their regard. But all in vain. Early in the spring Jack, pretending to be starved, but in reality longing for the dissipations of Yreka, and designing, by drawing away as many as possible of Sconchin's men, to become a full chief, left the reservation with his band, and returned to Lost River Valley, which was now being settled up by white cattle-raisers. This movement of Jack's caused Meacham to accuse Knapp of permitting the Klamaths to annoy and insult the Modocs, thus provoking them to flight. Meacham was a man with a hobby. He believed that he knew all about the savage race, and how to control it. Like Steele, when he accepted the chieftainship of Jack's band in 1864, he was flat-

[4] *O. C. Applegate's Modoc History*, MS., 2. This is a full and competent account of Modoc affairs from 1864 to 1873. No one has a more thorough and intelligent knowledge of the customs, manners, ideas, and history of this tribe than Mr Applegate.

[5] Military officers were, in the autumn of 1869, substituted for other agents at each of the reservations in eastern Oregon, and at several in California. *Ind. Aff. Rept*, 1870, 51.

tered by the distinction of being the friend of these wild people, and his theory was that he could govern them through his hold on their esteem. Knapp was accused by Jack of causing his people to labor at making rails for fencing, with providing insufficient food, and with moving them from place to place, although he had only proposed to remove them to land more suitable for opening farms, and furnished with wood and grass,[6] and this, Meacham said, was reason enough



THE MODOC COUNTRY.

for their leaving the reservation. He now called upon the commandant of the fort to take measures to return Jack and his band to the reserve, and also insisted upon the relative positions of the civil superintendent and military agent being made clear by the department at Washington. Having a military agent did not seem to work well, since Captain Knapp, through his knowledge of affairs at the fort, and the inefficiency of Goodale's command, refrained from making a requi-

[6] *Military Correspondence*, MS., March 18, 1873.

sition upon him, when in his character of agent it was his duty to have done so. This neglect caused Goodale to be censured, who promptly placed the blame upon Knapp, while admitting the soundness of his judgment.[7] Owing to the inferiority of the force at Klamath, no steps were taken for a year and a half to bring back the Modocs under Jack to the reservation, during which time they roamed at will from one resort to another, making free use of the beef of the settlers on Lost River, and by their insolence each summer frightening the women into flight.[8]

In August 1870 General Crook was relieved from the command of the Department of the Columbia by General E. R. S. Canby, and sent to fight the Indians of Arizona, for which purpose all the military stations in Oregon were depleted.[9] At Fort Klamath there was one company, K, of the 23d infantry under Lieutenant Goodale, and no cavalry, while at Camp Warner, over a hundred miles to the east, there were two companies, one being cavalry, neither post being strong enough to assist the other, and both having to keep in check a large number of Indians subdued by Crook, but not yet trusted to remain quiescent.

There were certain other elements to be taken into account in considering the causes which led to the Modoc war. The Klamaths used formerly to be allies of the Modocs, although they seem never to have been so fierce in disposition; but after being settled on the reserve and instructed, and especially after Lalake, their old chief, was deposed, being supplanted by a remarkable young Klamath, named by

[7] Letter of Goodale, in *Military Correspondence*, MS., May 16, 1870.

[8] Jack's band used to range up and down among the rancheros, visiting houses in the absence of the men, ordering the women to cook their dinners, lounging on beds while the frightened women complied, and committing various similar outrages for two summers before the war began, causing the settlers to send their families to Rogue River Valley for safety. *Applegate's Modoc History*, MS.

[9] Rept of Maj.-gen. George H. Thomas, in *H. Ex. Doc.*, i. pt ii., 114, 41st cong. 2d sess.

the agent Allen David, their ambition was not to fight, but to learn the arts of peace. Their advancement in civilization and conformity to treaty regulations was a source of pride with them, and of annoyance to Captain Jack, the more so that the Klamaths had assisted in arresting the Modocs guilty of aiding the hostile Shoshones with ammunition. But Jack was even more annoyed with Sconchin, whom he taunted with remaining on the reservation more for convenience than care for his people,[10] whom Jack was constantly endeavoring to entice away.

In 1870, having been left so long to follow his own devices, Jack made a formal claim to a tract of land, already settled upon, six miles square, and lying on both sides of the Oregon and California line, near the head of Tule Lake. Superintendent Meacham, not knowing how to compel Jack to bring his people upon the reserve, reported to the secretary of the interior, recommending that this tract as described should be allowed them as a reserve. A more unwise proposition could not have been made; for aside from the precedent established, there was the conflict with the settlers already in possession within these limits, the opposition of the neighboring farmers to having this degraded band in their vicinity, and the encouragement given to Jack, who was informed of the superintendent's action, bearing upon the future aspect of the case.

Previous to this Knapp went to Yreka to have an interview with Jack, whose importance increased with finding himself the object of so much solicitude, and who flatly refused to go with him to Camp Yainax, Sconchin's home, to meet the superintendent. During the summer of 1871 he frequently visited the reservation, defying the military authorities, and boasting that in Yreka he had friends who gave him

[10] W. V. Rhinehart, in *Historical Correspondence*, MS., agrees with Jack about this. But Sconchin was never detected in illicit intercourse with the enemy.

and his people passes to go where they pleased, which boast he was able to confirm.[11] At length Jack precipitated the necessity of arresting him by going upon the reservation and killing a 'doctor,' who, having failed to save the lives of two persons in his family, was, according to savage reasoning, guilty of their deaths. It is doubtful if an Indian who had lived so much among white people believed in the doctor's guilt; but whether he really meant to avenge the death of his relatives or to express his defiance of United States authority, the effect was the same. By the terms of the treaty the government was bound to defend the reservation Indians against their enemies. Ivan D. Applegate, commissary at Camp Yainax, made a requisition upon the commander at Fort Klamath to arrest Jack for murder, the effort to do so being rendered ineffectual by the interference of Jack's white friends in Yreka.[12]

Lieutenant Goodale was relieved at Fort Klamath in 1870, by Captain James Jackson, 1st United States cavalry, with his company, B. Knapp had also been relieved of the agency on the reservation by John Meacham, brother of the superintendent, who on being informed of the murder on the reserve instructed the agent to make no arrests until a conference should have been had with Jack and his lieutenants, at the same time naming John Meacham and Ivan D. Applegate as his representatives to confer with them.[13]

[11] Says Jackson: 'He carries around with him letters from prominent citizens of Yreka, testifying to his good conduct and good faith with the whites. Many of the settlers in the district where he roams are opposed to having him molested.' *Military Correspondence*, MS., Aug. 29, 1871. This was true of some of the settlers on the six-mile tract, who feared to be massacred should his arrest be attempted. How well they understood the danger was soon proved.

[12] The following is a copy of a paper carried around by Jack: 'Yreka, June 26, 1871. Captain Jack has been to Yreka to know what the whites are going to do with him for killing the doctor. The white people should not meddle with them in their laws among themselves, further than to persuade them out of their foolish notions. White people are not mad at them for executing their own laws, and should not be anywhere. Let them settle all these matters among themselves, and then our people will be in no danger from them. R. Steele.' *Applegate's Modoc Hist.*, MS.

[13] Lieut R. H. Anderson, in *Military Correspondence*, MS., Aug. 4, 1871; *H. Com. Rept*, 98, 257–67, 42d cong. 3d sess.

This desire having been communicated to Canby, he directed Jackson to suspend any measures looking to the arrest of Jack until the superintendent's order for a conference had been carried out, but to hold his command in readiness to act promptly for the protection of the settlers in the vicinity should the conduct of the Indians make it necessary. At the same time a confidential order was issued to the commanding officer at Vancouver to place in effective condition for field service two companies of infantry at that post.[14]

In compliance with the temporizing policy of the superintendent, John Meacham despatched Sconchin with a letter to John Fairchild, living on the road from Tule Lake to Yreka, a frontiersman well known to and respected by the Indians, and who accompanied Sconchin, and with him found Jack, who refused to hold a conference with the agent and commissary, as desired.

Among the settlers in the country desired by Jack was Oregon's venerable pioneer, Jesse Applegate, residing as agent upon a tract claimed by Jesse D. Carr of California, and lying partly in that state and partly in Oregon. Of Applegate, Jack demanded pay for occupation. On being refused, one of Jack's personal guard, known as Black Jim, set out on a raid among the settlers, at the head of fifteen or twenty warriors, alarming the whole community, and causing them to give notice at the agency. These things led to a further attempt to gain a conference with Jack, he being given to understand that if he would consent he would be safe from arrest, and allowed to remain for the present in the Lost River country.

At length Jack signified his willingness to see the commissioners, provided they would come to him at Clear Lake, Applegate's residence, attended by no more than four men, he promising to bring with him the same number. Word was at once sent by Applegate to Klamath, sixty miles, and the commissioners

[14] *Military Correspondence*, MS., Aug. 6, 1871.

were informed. On arriving at the rendezvous, they found, instead of four or five Modocs, twenty-nine, in war-paint and feathers.

The conference was an awkward one, Black Jim doing most of the talking for the Modocs. Jack was sullen, but finally gave as a reason for not returning to the reservation that he was afraid of the Klamath 'medicine.'[15] He also complained that the Klamaths exasperated him by assuming the ownership of everything on the reserve, drew an effective picture of the miseries of such a state of dependence, and denied that his people had ever done anything to disturb the settlers.[16] When reminded that he had driven away several families, and that those who remained were assessed, he demanded to know who had informed against him, but was not told.[17] All through the interview Jack had the advantage. There were thirty armed Modocs against half a dozen white men, who, warned by Jack's sullen demeanor, dared not utter a word that might be as fire to powder. He so far unbent during the conversation as to promise not to annoy the settlers, and not to resist the military, and was given permission to remain where he was until the superintendent could come to see them; and upon this understanding John Meacham wrote to that functionary that no danger was to be apprehended from Jack's band. Yet the commissioners had hardly set out on their return to Yainax when it was warmly debated in the Modoc camp whether or not to commence hostilities at once by murdering Jesse Applegate and the other settlers about Clear and Tule lakes.[18]

[15] I am at a loss for a word to give as a synonym for 'medicine' as here used. It might be the 'evil-eye' of the ancients.

[16] H. F. Miller was at that time paying them an assessment. This man said to a neighbor: 'I favor the Modocs because I am obliged to do it. If they go to war they will not kill me, because I use them so well.' *Applegate's Modoc Hist.*, MS. Mark the sequel.

[17] John Meacham, in *Historical Correspondence*, MS., Aug. 21, 1871.

[18] This was afterward confessed by the Modocs to their captors. *Applegate's Modoc Hist.*, MS.

Agent Meacham's report of security for the present was communicated by the superintendent to Canby, who in turn reported it to the division commander at San Francisco, and the matter rested. Major Ludington, military inspector, who made a tour of the stations on the border of California and Oregon, passing through camps Bidwell, Warner, and Harney, also reported the people on the whole route free from any fear of Indians, and that the rumors of alarm arose solely from petty annoyances to individuals from Indians visiting the settlements.[19] Fort Klamath was not visited by the inspector, and the report of the Indian agent misled the military department.

But the settlers in the Tule and Clear Lake district did not feel the same security. On the contrary, in November 1871 they petitioned the superintendent and Canby to remove the Modocs to their reservation, saying that their conduct was such that they dared not allow their families to remain in the country.[20] Their petition remained in the superintendent's hands for two months before it was submitted to Canby, with the request that Jack's band be removed to Camp Yainax, and suggesting that not less than fifty troops be sent to perform this duty, and that Commissary Applegate accompany the expedition, if not objected to by Captain Jackson.

Canby replied that he had considered the Modoc question temporarily settled by the permission given them by the commissioners to remain where they were until they had been notified of the determination of the government in regard to the six miles square recommended by him to be given them for a separate reserve, and that it would be impolitic to send a military force against them before that decision, or before

[19] *Military Correspondence*, Sept. 2, 1871. Capt. Jackson also wrote, 'I have no doubt that they are insolent beggars, but so far as I can ascertain no one has been robbed, or seriously threatened.' *H. Ex. Doc.*, i. pt ii., 115, 41st cong. 2d sess.

[20] See letter of Jesse Applegate to Supt Meacham, Feb. 1, 1872, in *H. Ex. Doc.*, 122, 13, 43d cong. 1st sess.; *Military Correspondence*, MS., Jan. 29, 1872; *Jacksonville Democrat*, March 1, 1873.

they had been notified of the point to which they were to be removed; but that in the mean time Jackson would be directed to take measures to protect the settlers, or to aid in the removal of the Modocs should force be required.[21]

Alarmed by the delay in arresting Jack, a petition was forwarded to Governor Grover, requesting him to urge the superintendent to remove the Modocs, or authorize the organization of a company of mounted militia to be raised in the settlements for three months' service, unless sooner discharged by the governor. In this petition they reiterated their former complaint, that they had been harassed for four years by about 250 of these Indians, 80 of whom were fighting men. These latter were insolent and menacing, insulting their families, drawing arms upon citizens, and in one case firing at a house. They complained that the superintendent had turned a deaf ear, and unless the governor could help them there was no further authority to which they could appeal. Being scattered over a large area, it was to be feared that in case of an outbreak the loss of life would be heavy.[22] Grover succeeded in procuring an order that Major Otis, with a detachment of 50 cavalry and their officers, should establish a temporary camp in Lost River district; but Canby refused to take any more active measures before the answer to the recommendation of the superintendent, with regard to a reservation in that country, should arrive from Washington.

Early in April Meacham was relieved of the superintendency, and T. B. Odeneal appointed in his place. One of his first acts was to take council of Otis in regard to the propriety of permitting Jack and his followers to remain any longer where they were,

[21] See correspondence in *T. B. Odeneal's Modoc War; Statement of its Origin and Causes, etc.;* Portland, 1873. This pamphlet was prepared by request of H. W. Scott, C. P. Crandall, B. Goldsmith, and Alex. P. Ankeney, of Portland, to correct erroneous impressions occasioned by irresponsible statements, and is made up chiefly of official documents.

[22] *Military Correspondence*, MS., Jan. 29 and Feb. 19, 1872.

when Otis made a formal recommendation in writing that the permission given by Meacham should be withdrawn, and they directed to go upon the reservation, the order not to be given before September; that in case of their refusal the military could put them upon it in winter, which was the most favorable season for the undertaking. Otis further recommended placing Jack and Black Jim on the Siletz reservation, or any other place of banishment from their people, giving it as his opinion that there would be no peace while they were at liberty to roam, without a considerable military force to compel his good behavior. In order to make room for the Modocs, and leave them no cause of complaint, he proposed the removal of Otsehoe's band of Shoshones, together with Wewawewa's and some others, to a reservation in the Malheur country.[23] The same recommendation was made to Canby on the 15th of April.

While these matters were under discussion, the long-delayed order arrived from the commissioner of Indian affairs at Washington to remove the Modocs, if practicable, to the reservation already set apart for them by the treaty of 1864, and to see that they were protected from the aggressions of the Klamaths. Could this not be done, or if the superintendent should be unable to keep them on the reserve, he was to report his views of locating them at some other point which he should select.

Odeneal wrote to the new agent at Klamath, L. S. Dyar,[24] and to Commissary Applegate to seek an

[23] 'I make the above recommendations,' he said, 'after commanding the military districts of Nevada, Owyhee, and the districts of the lakes,' successively since December 1867. *Odeneal's Modoc War*, 22.

[24] Dyar was the fourth agent in three years. Lindsey Applegate was incumbent from 1864 to 1869, when Knapp was substituted to secure the fair treatment of the Indians, which it was then supposed only military officers could give. But Captain Knapp was more complained of than Applegate, because he endeavored to get some service out of the Modocs in their own behalf. John Meacham was then placed in office for one year, when J. H. High, former agent at Fort Hall, supplanted him. Klamath agency being under assignment to the methodist church for religious teaching, L. S. Dyar was appointed through this influence. All of these men treated the Indians well.

interview with Jack, and endeavor to persuade him to go to live on the reservation. Major Otis had previously made an attempt, through his Indian scouts, to have a conference, but had been repulsed in a haughty manner. However, after much negotiation it had been agreed that a meeting should take place at Lost River gap between Otis, Agent High, Ivan and Oliver Applegate, with three or four citizens as witnesses, and three or four Klamath scouts on one side, and Jack with half a dozen of his own men on the other. But according to his former tactics, Jack presented himself with thirty-nine fighting men, and had Otis at his mercy.

The council at Lost River gap was productive of no good results, Jack denying any complaints made by the settlers, and one of the witnesses, Miller, testifying that his conduct was peaceable, under the selfish and mistaken belief that he was insuring his own immunity from harm.[25] When Odeneal's order arrived for a council with Jack, that he might be informed of the decision of the commissioner of Indian affairs, Sconchin was employed to act as messenger to arrange for a meeting at Linkville; but Jack returned for answer that any one desiring to see him would find him in his own country. After considerable effort, a meeting was arranged to take place at the military encampment at Juniper Springs, on Lost River. Agents Dyar and Applegate, attended by some of Sconchin's head men, met Jack and his warriors on the 14th of May, when every argument and persuasion was used to influence him to conform to the treaty, but without success. His unalterable reply was that he should stay where he was, and would not molest settlers if they did not locate on the west side of Lost River, near the mouth, where he had his winter camp. The settlers, he said, were always lying about him and

[25] It is said that Miller went to Fairchilds and complained bitterly of the position in which Otis' questions before the Indians had placed him. He admitted that he had not told the truth, but declared that he dared not say otherwise. *Siskiyou County Affairs*, MS., 53.

making trouble, but his people were good people, and would not frighten anybody. He desired only peace, and was governed by the advice of the people of Yreka, who knew and understood him.[26] The old chief Sconchin then made a strong appeal to Jack to accept the benefits of the treaty, and pointed out the danger of resistance, but in vain.

The commissioners reported accordingly, and also that in casting about for some locality where Jack's band might be placed, apart from the Klamaths, no land had been found unoccupied so good for the purpose as that upon the reservation. Camp Yainax was, in fact, nearly as far from the Klamath agency as the Lost River country. Nothing now remained but to prepare to bring the Modocs on to the reservation. Odeneal gave it as his opinion that the leading men among them should be arrested and banished to some distant place until they should agree to abide by the laws, while the remainder should be removed to Yainax, suggesting the last of September as a proper time for carrying out this purpose; and the commissioner issued the order to remove them, "peaceably if you can, forcibly if you must."

In May, the Modocs having broken camp and begun their summer roaming, Otis reported his station on Lost River unnecessary, and the troops were withdrawn about the 1st of June. No sooner, however, were the troops back at Fort Klamath than Jack appeared at the camp of Sconchin's people, away from Yainax on their summer furlough, with forty armed

[26] Who besides E. Steele Jack referred to is not known. Steele admits giving advice to Jack and his followers. 'My advice to them was, and always has been, to return to the reservation, and further, that the officers would compel them to go. They replied that they would not go, and asked why the treaty that I had made with them when I was superintendent of northern California—they supposing that our state line included their village at the fishery—was not good...I told them they had made a new treaty with the Oregon agency since mine, and sold their lands, and that had done away with the first one. Jack said he did not agree to it...I have written several letters for him to the settlers, in which I stated his words to them,' etc. These extracts are from a manuscript defence of his actions, written by Steele to his brother at Olympia, in my possession, entitled *Steele's Modoc Question*, MS.

warriors, conducting himself in such a manner as to frighten them back to the agency. The citizens were hardly less alarmed, and talked once more of organizing a militia company. The usual correspondence followed between the Indian and military departments, and the settlers were once more assured that their safety would be looked after.[27]

While the Modoc question was in this critical stage, influences unknown to the department were at work confirming Jack in his defiant course, arising from nothing less than a scheme, proposed by Steele of Yreka, to secure from the government a grant of the land desired by him, on condition that he and his people should abandon their tribal relation, pay taxes, and improve the land, which they promised to do.[28] But no one knew better than Steele that to leave the Modocs in the midst of the white settlements would be injurious to both races, and most of all to the Indians themselves, who instead of acquiring the better part of civilization were sure to take to themselves only the worse; and that the better class of white people must object to the contiguity of a small special reserve in their midst. Not so did the Modocs themselves reason about the matter. Steele, because they could approach him with their troubles, and because he simply told them to go and behave themselves, without seeing that they did so, was the white chief after their own mind, and his word was law, even against the power with which they had made a treaty. They were proud of his friendship, which gave them importance in their own eyes, and which blinded them to their inevitable doom. So said the settlers, with whom I cannot always fully agree.

[27] *Military Correspondence*, MS., June 10, 15, and 20, 1872; *Odeneal's Modoc War*, 31–2.

[28] Steele was threatened with prosecution by Odeneal, and in the defence before referred to, after explaining his acts, says: 'At this last interview with Capt. Jack I again tried to persuade him to go upon the reservation, but I must confess that it was as much to avoid the trouble and expense that would fall upon me in getting the land grant through for them as from any other motive.' *Modoc Question*, MS., 25.

It now being definitely settled that Jack's band must go upon the reservation to reside before winter, Odeneal repaired to the Klamath agency November 25th, sending a special messenger, James Brown of Salem, and Ivan Applegate to Lost River to invite them to meet him at Linkville, and to promise them the kindest treatment if they would consent to go to Yainax, where ample provision had been made for their support. If they would not consent, he required them to meet him at Linkville on the 27th for a final understanding.

To the military authorities a communication was addressed requiring them to assist in carrying out the instructions of the commissioner of Indian affairs by compelling, if necessary, the obedience of the Modocs to recognized authority, and they had signified their readiness to perform this duty.[29] On the 27th Odeneal and Dyar repaired to Linkville to meet the Modocs, according to appointment, but found there only the messengers, by whom they were apprised of Jack's refusal either to go upon the reservation or to meet the superintendent at that place. "Say to the superintendent," returned Jack, "that we do not wish to see him or talk with him. We do not want any white man to tell us what to do. Our friends and counsellors are men in Yreka, California. They tell us to stay where we are, and we intend to do it, and will not go upon the reservation. I am tired of being talked to, and am done talking." One of Jack's lieutenants, commonly known as Scarface Charley, from a disfigurement, would have taken the lives of the messengers upon the spot, but was restrained by Jack, who preferred waiting until the superintendent was in his power.[30]

[29] *Odeneal's Modoc War*, 33. Capt. Jackson had been superseded in the command at Fort Klamath by Maj. G. G. Hunt, who in turn was relieved July 17th by Maj. John Green. Major Otis had also been relieved of the command of the district of the lakes by Colonel Frank Wheaton, 21st inf.

[30] This was revealed by friendly Indians present at the conference. It is found in Dyar's statement.

Being now assured that nothing short of an armed force could bring the Modocs to submission, Odeneal sent word to Colonel Green, in command at Fort Klamath, that military aid would be required in arresting Captain Jack, Black Jim, and Scarface, who should be held subject to his orders.

It had never been contemplated by the superintendent or by Canby that any number of troops under fifty should attempt to take Jack and his warriors. In view of this necessity, Canby had issued a special order early in September giving Wheaton control of the troops at Klamath, that in an emergency of this kind he might have a sufficient force to make the movement successful, and Wheaton had directed Green to keep him fully advised by courier of the attitude of the Modocs. But now occurred a fatal error. Ivan Applegate, who carried Odeneal's requisition to the fort, supposed that there was a sufficient force of cavalry at the post to arrest half a dozen Indians,[31] however brave or desperate, and gave it as his opinion that no serious resistance would be made to the troops. Odeneal, in his letter to Green, said: "I transfer the whole matter to your department, without assuming to dictate the course you shall pursue in executing the order." Green, who was of Applegate's opinion that the Modocs would yield at the appearance of his cavalry, and thinking it better to take Jack and his confederates before they were reënforced, immediately sent off Captain Jackson with thirty-six men to execute the order.[32]

The troops left Fort Klamath at noon on the 28th,

[31] The order to arrest did not include more. Jack was believed to have about 60 fighting men, and that about half that number were at his camp.

[32] When the mistake had been made, there was the usual quarrel between the military and Indian departments as to which had been in the wrong. Gen. Canby exonerated Odeneal by saying: 'The time and manner of applying force rested in the discretion of the military commander.' It is easy to see that Green might have been misled by Applegate's report that Jack had only about half his warriors with him, but he must have known that he was not carrying out the intentions of the commanding general of the department. I myself think that he wished to show how easy a thing it was to dispose of the Modoc question when it came into the proper hands.

officered by Captain Jackson, Lieutenant Boutelle, and Dr McEldery. Odeneal had sent Brown, his special messenger, to notify the settlers who were likely to be endangered in case of an engagement with the Modocs. How imperfectly this was done the sequel proved.[33] The superintendent met Jackson on the road about one o'clock on the morning of the 29th, directing him to say to Jack and his followers that he had not come to fight, but to escort them to Yainax, and not to fire a gun except in self-defence.

A heavy rain was falling, through which the troops moved on, guided by Ivan Applegate, until daybreak, when, arriving near Jack's camp, they formed in line, and advancing rapidly, halted upon the outskirts, calling to the Modocs to surrender, Applegate acting as interpreter. The Indians were evidently surprised and wavering, a part of them seeming willing to obey, but Scarface and Black Jim, with some others, retained their arms, making hostile demonstrations during a parley lasting three quarters of an hour. Seeing that the leaders grew more instead of less defiant, Jackson ordered Lieutenant Boutelle to take some men from the line and arrest them. As they advanced, Scarface fired at Boutelle,[34] missing him. A volley from both sides followed. Almost at the first fire one cavalryman was killed and seven wounded. The balls from the troops mowed down fifteen Indians.

Up to the time that firing commenced, Jack had remained silent and sullen in his tent, refusing to take any part in the proceedings, but on the opening of hostilities he came forth and led the retreat of his people, now numbering twice as many as on the visit of Brown and Applegate. In this retreat the women and children were left behind. It was now that the rashness of Colonel Green became apparent. Jackson's force,

[33] Brown afterward said he knew nothing of any settlers below Crawley's farm, and that the men he notified said nothing about any. *Odeneal's Modoc War*, 39. The truth was that none comprehended the danger.

[34] *Oregonian*, Dec. 12, 1872; *Yreka Journal*, Jan. 1, 1873; *Red Bluff Sentinel*, Dec. 7, 1872.

already too light, was lessened by the loss of eight men, whom he dared not leave in camp lest the Indian women should murder and mutilate them, and he was therefore unable to pursue. Leaving a light skirmish line with Boutelle, he was forced to employ the remainder of the troops in conveying the wounded and dead to the east side of the river in canoes, and thence half a mile to the cabin of Dennis Crawley, after which he returned and destroyed the Indian camp.

In the mean time a citizens' company, consisting of O. C. Applegate, James Brown, J. Burnett, D. Crawley, E. Monroe, Caldwell, and Thurber, who had gathered at Crawley's to await the result of the attempted arrest, attacked a smaller camp on the east side, and lost one man, Thurber. They retired to the farm and kept up firing at long range to prevent the Indians crossing the river and attacking Jackson's command on the flank and rear. While this was going on, two men fled wounded to Crawley's, one of whom, William Nus, soon died. At this intimation that the settlers below were uninformed of their danger, Ivan Applegate, Brown, Burnett, and other citizens went in various directions to warn them, leaving but a small force at Crawley's to guard the wounded. During their absence Jackson was called upon to protect this place from the hostilities of Hooker Jim and Curly-headed Doctor, two of Jack's head men not before mentioned. As there was no ford nearer than eight miles, the troops spent two or three hours getting to Crawley's, where they encamped, and beheld in the distance the smoke of burning hay-ricks.[85]

On the morning of the 30th, Captain Jackson having heard that a family named Boddy resided three and a half miles below Crawley's, who had not been warned, despatched a detachment with a guide to ascertain their fate. Finding the family absent, and the premises undisturbed, the troops returned with this report, the guide Crawley coming to the conclu-

[85] *S. F. Alta*, Dec. 12, 1872; *Oregon Herald*, Dec. 14, 1872.

sion that they had fled south, warning others on the way. But in this he was mistaken, four out of a family of six at this place having been killed, and two having escaped.[36]

It was afterward ascertained that no more persons were killed on the 29th; but on the following day a number of men about Tule Lake were slain, among them their good friend Miller.[37] Living within seventy-five yards of Miller's house was the Brotherton family, three men of which were killed. That the remainder were saved, was due to the courage of Mrs Brotherton, who defended her home for three days before relief arrived.[38] The victims in this collision

[36] The men, William Boddy, Nicholas Schira, his son-in-law, and two stepsons, William and Richard Cravigan, were killed while about their farm work. Mrs Schira, seeing the team-horses coming home without a driver, ran to them and found the lines bloody. She put the horses in the stable, and with her mother walked along the road to find her husband. About half a mile from the house he was found lying on the ground, shot through the head. Remembering her brothers, she left her mother with the dead and ran on alone to find them. On the way she passed Hooker Jim, Curly-headed Doctor, Long Jim, One-eyed Mose, Rock Dave, and Humpy Jerry, all well-known members of Jack's band, who did not offer to intercept her. After finding the body of one brother, Mrs Schira returned to her mother, and together they fled over a timbered ridge toward Crawley's, but while on the crest, seeing a number of persons about the house, mistook them for Indians, and turned toward the highest hills in the direction of Linkville, which were then covered with snow. After wandering until the middle of the 2d day without food or fire, they were met and conducted to the bridge on Lost River, from which place they were taken to Linkville. On the 2d of Dec. Mrs Schira returned with a wagon to look for her dead, but found that Boutelle had gone on the same errand. The Boddy family were from Australia, and were industrious, worthy people. *Jacksonville Sentinel*, Dec. 1872.

[37] In the *Yreka Journal* of Dec. 4, 1872, is the following: 'In the massacre of settlers that followed the attack on the Modocs, the Indians killed none but those who were foremost in trying to force them on the reservation.' On the contrary, it is remarkable that not one of those killed were signers of the petitions for their removal, lists of which have been published in documents here quoted. These persons were afraid to petition for Jack's removal.

[38] Seeing some Indians approaching who had her husband's horses, Mrs Brotherton took the alarm. Three Indians surrounded the house of John Shroeder, a neighbor, and shot him while he was trying to escape on horseback. Joseph Brotherton, a boy of 15 years, was in company with this man, but being on foot, the Indians gave no attention to him while in pursuit of the mounted man. Mrs Brotherton, seeing her son running toward the house, went out to meet him with a revolver. Her younger son called her back and ran after her, but she ordered him to return to the house and get a Henry rifle, telling him to elevate the sight for 800 yards and fire at the Indians. He obeyed, his still younger sister wiping and handling the cartridges. Under cover of the rifle the mother and son reached the house in safety, which was fastened, barricaded, and converted into a fortress by making loop-holes. The Indians retired during the night, but guard was maintained. One Indian was

between Jack and the troops counted eighteen white men and about the same number of Indians.[29]

War was now fairly inaugurated. Jack had thrown down the gauntlet to the United States, and Crawley's cabin in the midst of the grassy meadows of Lost River had become the headquarters of a so far defeated and humiliated military force. The distance from Crawley's to Fort Klamath was sixty miles, to the agency fifty-five, to Camp Yainax about the same, to Linkville twenty-three miles, to Ashland, in the Rogue River Valley, eighty-eight miles, to Camp Warner about the same distance, and to Yreka farther. There were no railroads or telegraph lines in all the country, and a chain of mountains lay between the camp and the post-road to army headquarters. That was the situation.

As soon as news of the fight reached the agency, Dyar raised a company of thirty-six Klamaths, whom he placed under D. J. Ferree, and sent to reënforce Jackson. O. C. Applegate hastened to Yainax to learn the temper of Sconchin's band of Modocs, and finding them friendly, organized and armed a guard of fifteen to prevent a raid on the camp, and taking with him nine others, part Modocs and part Klamaths, crossed the Sprague River mountains into Langell Valley, and proceeded thence to Clear Lake, to ascertain the condition of his uncle, Jesse Applegate. Arriving December 2d, he found his brother Ivan had been there with a party of six citizens and five cavalrymen. The troops being left to guard the family at Clear Lake, the citizens set out upon a search for the bodies of the killed, and O. C. Applegate with his company of Indians, himself in disguise, imme-

killed and one wounded in the defence. On the third day Ivan Applegate came that way and took the family to Crawley's. *Oregonian*, Dec. 9, 1872. Besides those mentioned, the persons killed were John Shroeder, Sover, a herdsman, Adam Shillingbow, Christopher Erasmus, Collins, and two travellers, in all 15 men and boys, besides Nus, Thurman, and the cavalryman.

[29] *S. F. Call*, Dec. 2, 6, 8, 1872; *S. F. Bulletin*, Dec. 2, 3, 12, 27, 1872; *S. F. Post*, Dec. 6, 1872; *Sac. Union*, Dec. 13, 19, 1872.

diately joined in the search. While at Brotherton's they had a skirmish with Scarface's party of Modocs. Fortifying themselves in a stable, one of the friendly Modocs was sent to hold a parley with Scarface, and to spy upon him, which he did by affecting to sympathize with his cause. He escaped back by pretending that he went to bring in other sympathizers from the reservation, but instead revealed the plan of the enemy, which was to finish the work of murder and pillage on that day. Jack and eighteen warriors were to proceed down the west side of Lost River to the Stone Ford, and join Scarface. When they had killed the men who were searching for the dead, they would return and attack Jackson; but Applegate's party prevented the junction. Ferrer's company of Klamaths had also been on a scout down the west side of the river, under Blow, one of the head men on the reservation, which being observed by Jack, restrained his operations on that side. They could not now attack without exposing themselves to the fire of two camps a short distance apart, and retired to the lava-beds.

Entering lower Klamath Lake from the south was a small stream forking toward the west, the southern branch being known as Cottonwood Creek, and the western one as Willow Creek. On the first was a farm belonging to Van Bremer, and on the other the farm of John A. Fairchilds. On Hot Creek, a stream coming into the lake on the west side, lived P. A. Dorris. Between Dorris' and Fairchild's places was an encampment of forty-five Indians called Hot Creeks, a branch of the Modocs, a squalid company, but who if they joined Jack's forces might become dangerous; and these it was determined to bring upon the reservation. Being a good deal frightened by what they knew of the late events, they yielded to argument, and set out for their new home under the conduct of Fairchild, Dorris, and Samuel Culver.

Dyar had been notified to meet them at Linkville, where the Indians would be turned over to him. But now happened one of those complications liable to arise under circumstances of so much excitement, when every one desired to be of service to the common cause without knowing in the least what to do. The same thought had occurred to William J. Small, residing three miles below Whittle's ferry on Klamath River, who organized a party among his neighbors and set out for Hot Creek with the purpose of removing these Indians to the reservation. Knowing that they were liable to fall in with the hostile Modocs, they went well armed. At Whittle's the two parties met, and the conductors of the Indians, being suspicious of the intentions of Small's men, opposed their visiting the Indian encampment, on which Small and his men returned home.

In the interim four citizens of Linkville, all good men, hearing of Small's enterprise, and anxious for its success, started to reënforce him. On the way a drunken German named Fritz attached himself to the party, and talked noisily of avenging the death of his friend William Nus. From this man's gabble the report spread that the Linkville men contemplated the massacre of the Hot Creek Indians. Alarmed by this rumor, Isaac Harris and Zenas Howard hastened by a shorter route to the ferry to warn Fairchild, so that when the Linkville men arrived they found themselves confronted by the escort of the Indians with arms in their hands. An explanation ensued, when the Linkville party turned off to Small's place. Fritz, however, remained at the ferry and contrived to alarm the Indians by his drunken utterances.

When Dyar reached Linkville he too heard the rumor afloat, and hastened on to the ferry, although it was already night, intending to thwart any evil intent by moving the Indians past Linkville before daylight. Fairchild agreed to the proposition, and hastened to inform the Indians and explain the cause. An ar-

rangement had been entered into with Small's party to escort them, and the Indians readily consented, saddling their ponies, and the foremost accompanying Dyar to the ferry. Here they waited for some time for the remainder to follow, when it was discovered that they had fled back to their native rocks and sage-brush. The few with Dyar soon followed, and thus ended a laudable attempt to lessen the hostile force by placing this band peaceably on the reserve.

In a day or two these Indians were employed making arrows and bullets, in the midst of which a wagon arrived from the Klamath agency, and another attempt was made to remove the Hot Creek Indians to the reservation, but they disappeared in a night, taking with them not only their own horses and provisions, but those of their friend Fairchild.

After the failure of the attempt to remove the Hot Creek band, an effort was made by Fairchild, Dorris, Beswick, and Ball, all personally well known to the Modocs, to persuade Jack to surrender and prevent the impending war. They found him in the juniper ridge between Lost River and the lava-beds south of Tule Lake; but although he refrained from any act of hostility towards them, he rejected all overtures with impatience, and declared his desire to fight. In this interview Jack denied all responsibility of the affair of the 29th, saying that the troops fired first; and further, placed all the guilt of the murders of innocent settlers upon Long Jim, although Scarface, Black Jim, and himself had been recognized among the murderers.[40]

The effect of Fairchild's visit was to give Jack an opportunity to gain over the Hot Creek head men who

[40] This moral obliquity of Jack's makes it impossible to heroize him, notwithstanding I recognize something grand in his desperate obstinacy. On his trial he said, referring to this occasion: 'I did not think of fighting. John Fairchild came to my tent and asked me if I wanted to fight. I told him, "No, I was done fighting."' Scarface admitted at his trial that he killed one of the settlers, and Jack was with him. But it is observable all through the history of the war that Jack denied his crimes, and endeavored to fasten the responsibility upon others, even upon his own friends. He was the prince of liars.

accompanied him. It also convinced the military that no terms would be accepted by the Modocs except such as they were able to enforce. All the families in this region were immediately sent to Yreka, and men in isolated places surrounded themselves with stockades.

The courier of Colonel Green found the commander of the district of the lakes confined to his bed with quinsy. He trusted there would be no serious difficulty, but advised Green to use all the force at his command, and sent him Captain Perry's troop F, of the 1st cavalry, and also a small detachment from Fort Bidwell under Lieutenant J. G. Kyle, which he said would give him a force of seventy-five cavalrymen in addition to Jackson's company, or a hundred and fifty completely equipped troops.[41] Before Wheaton's order reached Fort Klamath the mischief had been consummated. On news of the disaster being received at Camp Warner, Perry's troops set out by way of Yainax, to join Jackson, and Captain R. F. Bernard was ordered from Bidwell by the southern immigrant road to the same destination. They were directed to make forced marches, the supply-trains to follow. But the condition of the roads made travelling slow, and a week had elapsed after Jackson's fight before he was reënforced.

In order to protect the roads between the settlements, and to keep open the route to Yreka, Bernard's troops were stationed at Louis Land's place on the east shore of Tule Lake, on the borders of that volcanic region popularly known as the lava-beds, in whose rocky caves and cañons Jack had taken refuge with his followers. From Bernard's camp to Jack's stronghold, as reported by the scouts, was a distance of thirteen miles, or two miles from the western

[41] *H. Ex. Doc.*, 122, 40, 43d cong. 1st sess. This remark of Wheaton's shows that he, as well as Odeneal and Applegate, thought there must be at Klamath from 60 to 75 cavalrymen—twice as many were sent to arrest the Modocs.

border of the lava-fields. The trail thence was over and among rocks of every conceivable size, from a pebble to a cathedral. The opportunity afforded for concealment, and the danger of intrusion, in such a region was obvious.

At Van Bremer's farm, distant twelve miles from the stronghold on the west, was Perry's command, while Jackson remained at Crawley's, where Green had his headquarters. As fast as transportation could be procured, the material of war was being concentrated at this point. General Canby, on receiving information of the affair of the 29th, at once despatched General E. C. Mason with a battalion of the 21st infantry, comprising parts of C and B companies, numbering sixty-four men, to join Wheaton's forces. A special train on the 3d of December conveyed Mason, Captain George H. Burton, and lieutenants V. M. C. Silva, W. H. Boyle, and H. De W. Moore to Roseburg, then the terminus of the Oregon and California railroad.[42] The remainder of the march, to Jacksonville and over the mountains through rain and snow, occupied two weeks, making it the middle of December before the infantry reached Crawley's. It was not until about the same time that Wheaton reached Green's headquarters, where he found the ammunition nearly exhausted by distribution among the settlers, necessitating the sending of Bernard to Camp Bidwell, ninety miles, with wagons, for a supply.

The governors of both California and Oregon had been called upon by the people of their respective states to furnish aid. Governor Booth of California responded by sending to the frontier arms out of date, and ammunition too large for the guns;[43] Governor Grover forwarded a better equipment. The Wash-

[42] *Boyle's Personal Observations on the Conduct of the Modoc War*, a manuscript of 46 pages, has been of great service to me in enabling me to give a connected account of that remarkable campaign. Boyle was post quartermaster. He relates that the talk of the officers at Vancouver was that 'when Green goes after those Modocs he will clean them out sooner than a man could say Jack Robinson,' and that he thought so himself.

[43] *Yreka Despatches*, in *Oregonian*, Dec. 21, 1872; *S. F. Alta*, Dec. 13, 1872.

ington Guards of Portland offered their services, which were declined only because the militia general, John E. Ross of Jacksonville, and captain O. C. Applegate of Klamath, had tendered and already had their companies accepted.[44] Applegate's company was made up of seventy men, nearly half of whom were picked Klamaths, Modocs, Shoshones, and Pit River Indians from the reservation. In the interval before the first pitched battle they were occupied scouting, not only to prevent fresh outrages, but to intercept any of Jack's messengers to Camp Yainax, and prevent their drawing off any of the Sconchin band, whom, although they declared their loyalty to be unimpeachable, it was thought prudent to watch. Another reason for surveillance was that Jack had threatened Camp Yainax with destruction should these Modocs refuse to join in the insurrection, and they were exceedingly nervous, being unarmed, except the guards. To protect them was not only a duty, but sound policy.

In the mean time neither the troops nor the Indians were idle. Perry was still at Van Bremer's, with forty cavalrymen. Ross was near Whittle's ferry, at Small's place. On the 16th of December detachments from both companies made a reconnoissance of Jack's position, approaching within half a mile of the stronghold, and from their observations being led to believe that it was possible so to surround Jack as to compel his surrender, although one of his warriors shouted to them defiantly as they turned back, "Come on! Come on!" This exploration revealed more perfectly the difficult nature of the ground, broken by fissures, some a hundred feet in depth and as many in width; and it revealed also that in certain places were level flats of a few acres covered with grasses, and furnished with water in abundance, where the Indian horses grazed in security. Nothing could be better chosen than the Modoc position; and should their ammuni-

[44] *Oregonian*, Dec. 3, 1872; *Applegate's Modoc War*, MS., 17.

tion become exhausted, nothing was easier for them than to steal out unobserved through the narrow chasms, while watch was kept upon one of the many lofty pinnacles of rock about them. But they were not likely to be soon forced out by want, since they had taken $700 in money at one place, and $3,000 worth of stores at another, besides a large amount of ammunition and a few rifles, in addition to their own stock on hand. Everything indicated that hard fighting would be required to dislodge the Modocs. Another delay now ensued, caused by sending to Vancouver for two howitzers, to assist in driving them out of their fastnesses.

Both the regular troops and militia were restive under this detention. The 23d infantry had just come from fighting Apaches in Arizona, and were convinced that subduing a band of sixty, or at the most eighty, Modocs would be a trifling matter if once they could come at them; and the state troops, having only enlisted for thirty days, saw the time slipping away in which they had meant to distinguish themselves. The weather had become very cold, and the militia were ill supplied with blankets and certain articles of commissariat. Another difficulty now presented itself. They had enlisted to fight in Oregon, whereas the retreat chosen by the enemy lay just over the boundary in California; but General Wheaton overcame this last, by ordering Ross to pursue and fight the hostile Indians wherever they could be found.[45]

Actual hostilities were inaugurated December 22d, by Captain Jack attacking Bernard's wagon-train as it was returning from Bidwell with a supply of ammunition, guarded by a small detachment. The attack was made a mile from camp, on the east side of the lake, by firing from an ambuscade, when one soldier and six horses were killed at the first fire. Lieutenant Kyle, hearing the noise of shooting, hastened to

[45] *Boyle's Conduct of the Modoc War*, MS., 9.

the rescue with nearly all the troops in reserve, but ten having had time to mount, and in this unprepared manner fought the Indians the remainder of the day. In this skirmish the long range of the United States arms seemed to surprise the Modocs, as it saved the train. The Indians failed to capture the ammunition, but lost their own horses, and four warriors killed and wounded. A bugler whom they pursued escaped to headquarters, when Jackson's troops were sent to reënforce Bernard; but before his arrival the Modocs had retreated.[46] About the same time they showed themselves on Lost River, opposite headquarters, inviting the attack of the soldiery; and also near Van Bremer's, where Perry and Ross were encamped together.

On the 25th of December Wheaton ordered the volunteers to the front, and word was sent to Langell Valley, where five families still remained, to fortify. Preferring to go to Linkville, they set out in wagons, and were fired upon from an ambush near the springs on Lost River, but were relieved and escorted to their destination by a scouting party. A supply-train from Klamath was also attacked, and a part of the escort wounded, being relieved in the same manner by the volunteers.

Colonel Green, who still retained the immediate command of the troops, was now ordered to attack the Indians whenever in his judgment sufficient material of war was on hand. "With the howitzers and one snow-storm I am ready to begin," had been his asseveration. On the 5th of January another reconnoissance was made, by Captain Kelly of Ross' battalion, with a detachment of twelve men, with the object of finding a more practicable route than the one in use from Van Bremer's, where Green had taken up his headquarters, to the Modoc stronghold. On

[46] Rept of Gen. Wheaton, in *H. Ex. Doc.*, 122, 48-9, 43d cong. 1st sess.; *Boyle's Conduct of the Modoc War*, MS., 7-9; *Red Bluff Sentinel*, Feb. 1, 1873.

the way they had a skirmish with twenty of Jack's people, who retreated toward camp, but being pursued, dismounted and fortified. The firing brought a reënforcement from Jack's camp, when the volunteers retreated to an open field, while the Indians, not caring to engage again, returned to the lava-beds. A scout by Applegate with twenty men revealed the fact that the high ridge between Van Bremer's and the lava-field, known as Van Bremer's Hill, was used as an observatory by the Modocs, who kept themselves informed of every movement of the troops.

On the 12th of January an expedition consisting of a detachment of thirteen men under Perry, a handful of scouts under Donald McKay, and thirty of Applegate's mixed company, the whole under Colonel Green, made a reconnoissance from headquarters to ascertain whether wagons could be taken to a position in front of the Modoc stronghold. Green was fired on from a rocky point of the high bluff on the verge of and overlooking the lava-field. Perry returned the fire, driving in the Modoc sentinels, and shooting one of the Hot Creek Indians through the shoulder. Applegate came up in time to observe that the Modocs were dividing into small parties to ascend the hill and get on the flank of the troops, when he stretched a skirmish-line along the bluff for a considerable distance to intercept them. Scarface, who was stationed on a high point in the lava-bed, cried out in stentorian tones to his warriors, "Keep back, keep back; I can see them in the rocks!"[47]

The Modoc guard then fell back half-way down the hill, where they made a stand and defied the soldiers, but made strong appeals to the Indian allies to for-

[47] *Applegate's Modoc Hist.*, MS. Another instance of the wonderful voice-power of Scarface is mentioned by a writer in the *Portland Herald*, and in *Early Affairs in Siskiyou County*, MS. 'We distinctly heard, incredible as it may seem, above the distant yells and cries of the camp below, three or four miles away a big basso voice, that sounded like a trumpet, and that seemed to give command. The big voice was understood and interpreted as saying: "There are but few of them, and they are on foot. Get your horses! Get your horses!"'

sake the white men and join their own race to fight. The leaders were very confident. Hooker Jim said once he had been for peace, but now he was for war, and if the soldiers wished to fight, they should have the opportunity, while Jack and Black Jim challenged the troops to come down where they were.

A medicine-woman also made an address to the Klamath and Modoc scouts, saying that were all the Indians acting in concert they would be few enough, and entreating them to join Jack's force. Donald McKay answered in the Cayuse tongue that their hands were reddened with the blood of innocent white people, for which they should surely be punished, when Jack, losing patience, replied that he did not want to fight Cayuses, but soldiers, and he invited them to come and fight, and he would whip them all. The Klamaths asked permission to reply, but Colonel Green, thinking the communication unprofitable, forbade it.[48]

It not being Green's intention to fight that day, a retreat was ordered. To this the Klamaths were opposed, saying he had the advantage of position, and could easily do some execution on the Modocs. As Green withdrew, the Modocs resumed their position on the hill, and the Klamaths, being then on the crest of the second hill, wished to open on them, but were restrained.

There was much discussion about this time away from the seat of war concerning the causes which led to it,[49] and much dissatisfaction was felt that nothing had been done to restrain Jack's band, which still

[48] It was certainly unsafe allowing the Indian allies to converse with the hostile Modocs, who appealed to them so strongly for help. The regular officers afterward entertained the belief that the Klamaths acted deceitfully, and promised Jack help, in the Modoc tongue. But Applegate's confidence was never shaken, and he trusted them in very great emergencies. *Modoc Hist.*, MS.

[49] It was intimated in Cal. that speculation in Oregon had much to do with it, to which a writer in the *Oregonian*, Jan. 18, 1873, retorted that he agreed with Gov. Booth in that respect, for citizens of Cal. had for years encouraged the Modocs in refusing to go upon the reservation, for no other reason than to secure their trade, etc.; which the facts seem to show.

made predatory excursions away from their stronghold. It was now the middle of January. The settlers in Klamath Valley remained under cover. The road from Tule Lake southward was closed. Fairchild and Dorris had converted their homes into fortified camps. There was much uneasiness in northern California, and talk of forming companies of home-guards, Dorris being selected to visit Booth to obtain aid. But Booth had other advisers, and instead of furnishing arms, made a recommendation to the government to set apart five thousand acres of land where Jack desired it, as a reservation for his band, all of which interference only complicated affairs, as will be seen.

On the 16th of January, everything being in readiness, and the weather foggy, which answered in place of a snow-storm to conceal the movements of the troops, the army marched upon Jack's stronghold.[50] The regulars in the field numbered 225, and the volunteers about 150. In addition to the companies already mentioned was one of twenty-four sharpshooters under Fairchild. Miller of the Oregon militia had been ordered to the front by Governor Grover, but took no part in the action which followed.

At four o'clock in the morning Colonel Green, with Perry's troops, moved up to the bluff on the southwest corner of Tule Lake to clear it of Modoc pickets, and cover the movements of the main force to a camp on the bluff three miles west of Jack's stronghold, so located as to be out of sight of the enemy. By three in the afternoon the whole force was in position, consisting of two companies of infantry under Captain Burton and Lieutenant Moore, a detachment of another company under Sergeant John McNamara,

[50] Wheaton wrote to Canby on the 15th that all things were in excellent condition, the most perfect understanding prevailed of what was expected of each division, and the troops were in the most exuberant spirits. 'If the Modocs will only try to make good their boast to whip 1,000 soldiers, all will be satisfied. Our scouts and friendly Indians insist that the Modocs will fight us desperately, but I don't understand how they can think of attempting any serious resistance, though of course we are prepared for their fight or flight.' *H. Ex. Doc.*, 122, 49–50, 43d cong. 1st sess.

Ross' volunteers under Hugh Kelly and O. C. Applegate; the howitzer battery under Lieutenant W. H. Miller, and Fairchild's sharp-shooters; all, but some of the scouts, dismounted, furnished with a hundred rounds of ammunition, with fifty in close reserve, and cooked rations for three days. A line of pickets was thrown out along the edge of the bluff and another around the camp.

On the east side of the lake were Bernard's and Jackson's companies, and twenty regularly enlisted Klamath scouts under the chief David Hill, all commanded by Bernard, who had been directed to move up to a point two miles from the Modoc position, to be in readiness to attack at sunrise; but proceeding in ignorance of the ground, and contrary to the advice of his guide, he came so near to the stronghold that he was attacked, and compelled to retreat with four men wounded,[51] which unfortunate error greatly embarrassed him next day.

As the troops looked down, on the morning of the 17th, from the high bluff, the fog which overhung the lava-bed resembled a quiet sea. Down into it they were to plunge and feel for the positions assigned them. Mason with the infantry had his position at the extreme left of the line, resting on the lake, with Fairchild's sharp-shooters flanking him. On his right were the howitzers, in the centre General Wheaton and staff, and generals Miller and Ross of the militia; on the right of these Kelly and Applegate with their companies, and on the extreme right Perry's troop, dismounted.[52]

Descending the bluff by a narrow trail, surprised at meeting no Modoc picket, the troops gained their positions, in the order given, about seven in the morning. It was the design to move the line out on the right until it met Bernard's left in front of the Modoc posi-

[51] *Boyle's Conduct of the Modoc War*, MS., 11.

[52] Boyle places Perry in the centre, but he was not on the field, and Green and Applegate were, whose reports I follow.

tion, where three shots were to be fired by the howitzers to announce a parley, and give Jack an opportunity to surrender.

But the accident of the previous afternoon having put the Modocs on their guard, hardly had the line formed when the Indians opened fire, and instead of surrounding them and demanding their surrender, the troops found that they must fight for every foot of ground between them and the fortress. The fog, too, now became an obstacle instead of an aid to success. Unable to discern their course, the troops were compelled to scramble over and amongst the rocks as best they could, at the risk any moment of falling into ambush, making the movement on the right painfully slow. Nevertheless it was steadily pushed forward, all caution being used, the men often lying flat and crawling over rocks within a few yards of the Indians, who could be heard but not seen. The howitzers, which had been relied upon to demoralize the Indians, proved useless so long as the enemy's position was concealed from view. The line, after advancing a mile and a half, was halted and a few shells thrown, causing the Indians some alarm, but through fear of hitting Bernard's command the firing was soon suspended. Again the line was pushed on another mile and a half by a series of short charges, jumping chasms and sounding the war-whoop.

About one o'clock the extreme right of the line, which now enveloped the stronghold on the west and south, was brought to a halt by a deep, wide gorge in the lava, which could not be crossed without sacrifice of life,[53] as it was strongly guarded, and in close neighborhood to the main citadel. On consultation with Wheaton and other officers, Green determined to move the west line by the left and connect with Bernard by the shore of the lake.

At this point some confusion occurred in the line.

[53] The reader should not forget that Green intended to capture Jack without a serious fight, if possible.

In the skirmishing and clambering among the rocks, and the bewilderment of the fog, the volunteers had changed places with Perry's troop, and were now on the extreme right. They had, in fact, charged down the ravine, and Applegate's company had gained a position on the sage plain beyond where they lay concealed. Then came an order, "Look out for Bernard!" and a volley which mowed down the sage over their heads, so near were they to a junction with him. While the volunteers were preparing to charge on the stronghold the regular troops had begun to withdraw, seeing which, they were for a time puzzled, until nearing the Modoc position, it was discovered that most of the troops were passing to the left under the bluffs on the west side of the lake; soon after which an order reached the volunteers to report to headquarters, where they found a portion of Perry's troop and a reserve of infantry under Lieutenant Ross.

Meanwhile Mason and Green were endeavoring to make the junction by the left, the troops encountering a destructive fire as they plunged into a ravine on the shore of the lake nearly as dangerous to cross as that on the route first pursued. By pushing forward the sharp-shooters and a detachment of Burton's company to cover the troops as they passed, the crossing was effected. But as Wheaton afterwards said, "There was nothing to fire at but a puff of smoke issuing from cracks in the rock;" while the Modocs were stationed at the most favorable points for picking off the men as they hurried past, crawling over the sharp rocks on their hands and feet, suffering terribly.

After Green had passed the first ravine, Bernard was heard to say that he was within four or five hundred yards of the stronghold, and Green resolved if possible to join him, and make a charge before dark. But after sustaining a fire from the Modocs stationed in the cliffs overhanging the lake shore until he had almost made the junction, he found himself confronted by another deep cañon, so well defended that he was

unable to effect a crossing, and was, besides, compelled to defend himself from a flank movement by the Modocs on his left. While in this discouraging position the fog lifted, and a signal was received from Wheaton to come into camp, established in a small cove on the lake shore, if he thought best. But fearing to expose his men a second time to the peril of passing the Modoc position, Green declined, and when night had fallen, commenced a march of fourteen miles, over a trail fit only for a chamois to travel, passing the dreaded ravine, carrying the wounded in blankets or on the backs of ponies captured during the day. Their sufferings were severe. One man, belonging to Fairchild's company, rode the whole distance with his thigh-bone broken and his leg dangling.[54] When a halt was called, the men fell asleep standing or riding. Their clothing was in shreds from crawling among the rocks; their shoes were worn off their feet. A month in the field would not have brought them to such a state. It was not until past noon of the 18th that Green's command reached Bernard's camp on the east side of the lake. After making arrangements for the removal of the wounded to Fort Klamath, seventy miles away, over a rough road, three miles of which was over naked bowlders, Green and Mason, with an escort of ten Indian scouts, returned to headquarters that same night by the wagon-road around the north side of the lake.

When the volunteer captains reported to Wheaton, they were ordered to take their men to the lake for water, and then to take up a position in the crags, and extend a skirmish line to the left. While in this position, the Modocs not being far off, Hooker Jim was heard to call the attention of the other leaders to the separation of the volunteers from the regular troops, and that by moving around to the right of the volunteers they could cut them off, and also cut off

[54] *Boyle's Conduct of the Modoc War*, MS., 18-19. This was Jerry Crook. He died in February.

communication between Wheaton's camp by the lake and his supplies on the hill, which were left in charge of only ten men. Signal-fires were already springing up in that direction.

This determined Wheaton to fall back to camp, and he again signalled to Green his change of plan, authorizing him to withdraw to Bernard's camp, as just related. At dark the retreat to camp began, Applegate leading, the wounded in the centre, and Kelly's company, with the detachment under Ross, skirmishing in the rear. As the evening advanced the Modocs withdrew, and the stumbling and exhausted men reached camp a little before midnight.

The loss sustained in the reconnoissance of the 17th—for it could hardly be called a battle—was nine killed and thirty wounded.[55] Among the latter were Captain Perry and Lieutenant Kyle of the regular service, and Lieutenant George Roberts of the sharpshooters. The dead were left upon the field, where if life were not extinct the Modoc women soon despatched them. The high spirits of the morning were sunken in a lethargy of mingled sorrow and exhaustion at night. Every officer who had taken part in the operations of the 17th was surprised at the result of six weeks' preparation for this event, and it became evident that a much larger force would be required to capture the Modocs in their stronghold—the strongest natural position ever encountered by the army, if not, indeed, the strongest possible to find on earth.[56]

The loss of life on the side of the Modocs was not thought to be great. The arms and ammunition captured on the persons of the fallen soldiers made good much of their loss in material. They were, in fact, scouting within six miles of Lost River on the 19th, Lieutenant Ream with twenty-five volunteers having

[55] This is the official count. Applegate says the loss was 41, of whom 11 were killed. He may count some who did not die on the field, but lived a few days.

[56] Rept of Gen. Wheaton, in *H. Ex Doc.*, 122, 43d cong. 1st sess.

encountered some of them as he was on his way to Bernard's with the horses of Fairchild's company, and Applegate was sent to guard the settlements.

The time for which the Jacksonville volunteers enlisted having expired, they were now anxious to return to their homes and business, which had been hastily left at the call of their fellow-citizens. Applegate, too, fearing the effect of the late defeat on the reservation Modocs, wished to return to camp Yainax. In consideration of these circumstances, Wheaton sent a despatch to Portland, by way of Yreka, asking Canby for three hundred foot-troops and four mortars, and suggesting that the governor of California should be called upon to send militia to guard that portion of his state open to incursions from the Modocs. Canby immediately responded by ordering two companies of artillery and two of infantry to the seat of war, and as the inhabitants of Surprise Valley apprehended an uprising of the Shoshones on account of the Modoc excitement, a company of cavalry was sent to their defence, making the number of troops in the Modoc region six hundred, exclusive of the garrisons at the several posts in the district of the lakes. But even with these, the country being in part inadequately guarded, the general sent a recommendation to army headquarters at Washington, that conditional authority should be given him to call upon the governors of Oregon and California for two companies of volunteers from each state.

On the 23d the encampment at Van Bremer's was broken up, the troops and stores removed to Lost River ford, and a permanent camp established, where preparations were carried on for attacking Jack in his stronghold, when two mortar-boats should have been constructed, by which his position could be shelled from the lake side—a plan which, if it had been put in execution, would have ended the war.

But now again outside interference with the Modoc

question was productive of the worst results.[57] It happened that E. L. Applegate, brother of O. C. and Ivan Applegate, commissaries on the reservation, was in Washington as a commissioner of immigration; but the legislature of Oregon having failed to furnish funds for his purposes, he was in need of some other commission. Meacham, ex-superintendent of Indian affairs, was also there, and these two men proposed to the perplexed secretary of the interior a plan of settlement of the Modoc difficulty in harmony with his prejudices.[58] When the scheme was ripe, Attorney-general Williams arranged an interview, and the thing was accomplished. Other politicians made the appeal in favor of a peace commission, and closed their argument by recommending Meacham as a commissioner, being a man "in whom they have great confidence"—meaning the Modocs. All this seems very singular, when it is remembered that Jack would have none of Meacham's advice when he was superintendent. It was not less singular that E. L. Applegate should have consented to act directly in opposition to the opinions of his family, gained by a harassing experience; but the fact remains that Meacham returned to Oregon as chairman of a peace commission.[59]

On the 30th of January the secretary of war directed General Sherman to notify Canby that offensive operations against the Modocs should cease, and the troops be used only to repel attacks and protect the citizens. Wheaton was also relieved of his command,[60] which was assumed by Colonel Alvin C. Gillem

[57] See remarks of *N. Y. Tribune*, in *S. F. Bulletin*, Jan. 25, 1873, and *Sac. Union*, Jan. 31, 1873.

[58] See *H. Ex. Doc.*, 122, 239–40, 43d cong. 1st sess.

[59] The Washington correspondent of the *S. F. Bulletin* names the Oregonians in Washington who were the authors of the peace commission. They were A. B. Meacham, E. L. Applegate, S. A. Clarke, D. P. Thompson, M. P. Berry, R. H. Kincaid, Daniel Chaplin, and a 'few other Oregon gentlemen.' Jacob Stitzel should have been added. Meacham was the elector chosen to carry the vote of Oregon to Washington on Grant's reëlection, and was in a position to have his requests granted.

[60] There was a general protest against Wheaton's removal, it being conceded, by those who knew the difficulties to be encountered, that he had done as well as could be done with his force.

of the 1st cavalry. Canby also felt that the new order of the war department implied censure of himself, and wrote to Sherman that hostilities could not have been avoided, as the Modocs were determined to resist; that he had taken care that they should not be coerced until their claims had been decided upon by the proper authorities; and that there would be no peace on the frontier until they were subdued and punished for their crimes. Sherman replied to Canby's protest: "Let all defensive measures proceed, but order no attack on the Indians until the former orders are modified or changed by the president, who seems disposed to allow the peace men to try their hands on Captain Jack."

The commissioners first named to serve with Meacham were Superintendent Odeneal and Parson Wilbur, agent at Simcoe reservation; but Meacham refusing to serve with either, Jesse Applegate and Samuel Case were substituted. Canby was advised of the appointments, and also that the commissioners were to meet and confer with him at Linkville on the 15th of February; but the meeting did not take place until the 18th, on account of Meacham's failure to arrive.

In the interim Jack kept up the excitement by attacks now and then on the troops, in which cases they also fought vigorously. On the 25th of January an attack was made on the rear-guard of the train of Bernard, who was moving camp from the south-east corner of Tule Lake to Clear Lake. They had captured one wagon, when Bernard returned and fought them, taking nearly all their horses, and depriving them of the means of making forays through the surrounding country. In the various encounters, eight Modocs had been killed and as many wounded.

Being shorn of a part of his strength, Jack resorted to savage wiles, and allowed it to go out that he was tired of war, keeping up a constant communication, which the armistice permitted him to do, with his

former friends, and even with the camp of Gillem, through the visits to these places of the Modoc women. They quickly came to understand that they were to be visited by a peace commission; and not to be behind the United States in humanity, they also pretended to a peace party among themselves, and even that Jack had been wounded by his own men for not fighting on the 17th.

This familiar phase of Indian diplomacy did not deceive any one. Fairchild endeavored to gain an interview, but was refused. After a quiet interval of nearly a fortnight, some of their scouts again ventured out as far as Crawley's house, which they burned.

When the people whose relatives had been killed in the massacre of the 29th and 30th of November heard of the peace commission, they took steps to have eight of Jack's band indicted before the grand jury of Jackson county, in order to forestall the possible action of the commissioners, and secure the punishment of the murderers.[61] Governor Grover also filed a protest with the board against any action of the commission which should purport to condone the crimes of the Modocs, who, he claimed, should be given up and delivered over to the civil authorities for trial and punishment, and insisting that they would have no more authority to declare a reservation on the settled lands of Lost River than on the other settled portions of the state.

To this protest, which was forwarded to the secretary of the interior, Delano replied that the commission should proceed without reference to it; that if the authority of the United States were defied or resisted, the government would not be responsible for the results; and that the state might be left to take

[61] These 8 were Scarface Charley, Hooker Jim, Long Jim, One-eyed Mose, Old Doctor Humphrey, Little Jim, Boston Charley, and Dave. *Oregonian*, Feb. 15, 1873; *H. Ex. Doc.*, 122, 263, 43d cong. 1st sess.

care of the Indians without the assistance of the government; the United States in this case being represented by a coterie of politicians who were simply experimenting with a contumelious band of spoiled savages, without regard to the rights of the white people of the state.[62] To this haughty and overbearing message the people could only reply by still protesting.

The commissioners, after meeting at Linkville, repaired to Fairchild's place on Willow Creek, to be nearer all points of communication with the government, the army, and the Modocs. The services were secured of Whittle and his Indian wife Matilda, who were to act as messengers and interpreters. The first work of the board was to investigate the causes of the hostile attitude of the Modocs, during which the facts already presented in this chapter were brought out;[63] and while this was in progress Whittle made a visit to the Modocs to learn how Jack would receive the peace commissioners.

On the 21st of February Meacham telegraphed to Washington that he had a message from Jack, who declared himself tired of living in the rocks and desirous of peace; that he was glad to hear from Washington, but did not wish to talk with any one who had been engaged in the war; and that he would meet Meacham and Case outside the rocks without harming them.[64]

This was not an honest report. What Jack did say to Whittle was that he would consent to a conference with Steele, Roseborough, and Fairchild, but declined to meet the commissioners.[65] The president had already, by the advice of Canby, appointed Roseborough as one of the board, who in company

[62] *Red Bluff Sentinel*, Feb. 22, 1873; *New York Herald*, Feb. 17 and June 2, 1873.

[63] Jesse Applegate resigned rather than 'investigate' his brother and nephews.

[64] See telegram in *H. Ex. Doc.*, 122, 255, 43d cong. 1st sess.

[65] Yreka despatches, in *Oregonian*, Feb. 26, 1873.

with Steele, who it was thought might be useful in communicating with Jack, was then on his way to the front. Before his arrival, however, Whittle had a second interview with Jack, whom he met a mile from the lava-beds with a company of forty warriors heavily equipped with needle-guns and small arms, but asserting that he only wanted peace, to prove which he pointed to the fact that the houses of Dorris, Fairchild, Van Bremer, and Small were still left standing, and again consenting to talk with the men before named. Growing impatient, he expressed a desire to have the meeting over, and Dave, one of his company, returned to camp with Whittle, and carried back word that Fairchild would make a preliminary visit on the 26th to arrange for the official council.[66]

Accordingly, on that day Fairchild, accompanied, not by Whittle and Matilda, but by T. F. Riddle and his Indian wife, Toby,[67] as interpreters, repaired to the rendezvous. He was charged to say that the commissioners would come in good faith to make peace, and that he was delegated to fix upon a place and time for the council. But the only place where Jack would consent to meet them was in the lava-beds; and as Fairchild would not agree that the commissioners should go unarmed into the stronghold, he returned to camp without making any appointment. With him were allowed to come several well-known murderers, Hooker Jim, Curly-headed Doctor, and the chief of the Hot Creeks, Shacknasty Jim. They came to make terms with Lalake, a chief of the

[66] One of the surgeons in camp stated, concerning the second interview with Jack, that 10 of his followers were for peace and 10 against it, while the others were indifferent. Yreka despatches, in *Oregonian*, Feb. 25, 1873.

[67] Whittle and Riddle belonged to that class of white men known on the frontier as 'squaw men.' They were not necessarily bad or vicious, but in all disturbances of the kind in which the people were then plunged were an element of mischief to both sides. Having Indian wives, they were forced to keep on terms of friendship with the Indians whatever their character; and owing allegiance to the laws of the state and their own race, they had at least to pretend to be obedient to them. It is easy to see that their encouragement of the Modocs, direct or indirect, had a great deal to do with bringing on and lengthening the war.

Klamaths, for the return of sixty horses captured during the war, with which transaction there was no interference by the military.[68]

On the arrival of Steele, the board of commissioners held a meeting, and decided to offer the Modocs a general amnesty on condition of a complete surrender, and consent to remove to a distant reservation within the limits of Oregon or California, Canby to conclude the final terms. Against this protocol Meacham voted, being still inclined to give Jack a reservation of his choice. On the 5th of March Steele proceeded, in company with Fairchild, Riddle, and Toby, and a newspaper reporter, R. H. Atwell, to visit the Modoc stronghold, and make known to Jack the terms offered. A singular misunderstanding resulted. Steele, who was but little acquainted with the language of the Modocs, reported that Jack had accepted the offer of the commissioners, and Fairchild that he had not. Riddle and Toby were the best of interpreters; Scarface spoke English very well, and Jack but little if at all. Steele and Fairchild were equally well acquainted with Indian manners, making their difference of opinion the more unaccountable.

When Steele handed in his report there was a feeling of relief experienced in camp, and the commissioners set about preparing despatches, only to be thrown into confusion by the contradictory statement of Fairchild. So confident was Steele, that he decided upon returning for verification of his belief; but Fairchild declined to expose himself to the rage of the Modocs when they should find they had been misinterpreted. In view of these conflicting opinions, Meacham cautiously reported that he had reason to believe that an honorable and permanent peace would be concluded within a few days.[69]

On returning that evening to the Modoc stronghold, Steele found the Indians in much excitement.

[68] Yreka despatches, in *Oregonian*, March 1873; *Ind. Aff. Rept*, 1873, 75.
[69] *H. Ex Doc.*, 122, 260, 43d cong. 1st sess.

They had been reënforced by twenty warriors. Sconchin[70] was openly hostile, Jack still professing to desire peace. The evidences of blood-thirstiness were so plain, however, that Steele's confidence was much shaken, and he slept that night guarded by Scarface. In the morning Jack wore, instead of his own, a woman's hat—supposed to indicate his peace principles; and Sconchin made a violent war speech. When he had finished, Jack threw off his woman's hat and hypocrisy together, declaring that he would never go upon a reservation to be starved. When told by Steele of the futility of resistance, and the power of the American people, he listened with composure, replying: "Kill with bullets don't hurt much; starve to death hurt a heap."[71] No full report of this interview was made public. It was understood that a complete amnesty had been offered, provided the Modocs would surrender, and go to Angel Island in the bay of San Francisco, until a reservation could be found for them in a warm climate. They were to be comfortably fed and clothed where they were until removed to Angel Island, and Jack was offered permission to visit the city of Washington in company with a few of his head men. Jack made a counter-proposition, to be forgiven and left in the lava-beds. He desired Meacham and Applegate, with six men unarmed, to come on the following day and shake hands with him as a token of peace.

On returning from the conference, Steele advised the commissioners to cease negotiations until the Indians should themselves make overtures, saying that the Modocs thought the soldiers afraid of them, and carried on negotiations solely in the hope of getting Canby, Gillem, Meacham, and Applegate into their

[70] Sconchin of Jack's band was a brother of the chief Sconchin at Yainax, and an intelligent though unruly Indian.

[71] *Steele's Modoc Question*, MS., 25. It is noticeable that in all Steele's interviews with Jack he never made any attempt to impress upon his mind the benevolent intentions of the government, but only its coercive power, which he knew Jack defied.

power to kill them. As for himself, he would take no more risks among them.

Meacham then telegraphed the secretary of the interior that the Modocs rejected peace, and meant treachery in proposing to shake hands with the commissioners unarmed; but Delano, with the theoretical wisdom of the average politician, replied that he did not so believe, and that negotiations were to be continued. Canby telegraphed Sherman, March 5th, that the reports from the Modocs indicated treachery and a renewal of hostilities, to which Sherman replied that the authorities at Washington confided in him, and placed the matter in his hands.[72]

It was not until this intimation of a change in the board was made that the commissioners, having completed their examination of the causes which led to hostilities, presented their report. The conclusions arrived at were that in any settlement of the existing hostilities it would be inadmissible to return the Modocs to the Klamath reservation, the Klamaths having taken part in the war against them; or to set apart a reservation on Lost River, the scene of their atrocities. They also objected to a general amnesty, which would bring the federal government in conflict with the state governments, and furnish a precedent calculated to cause misconduct on the reservations, besides greatly offending the friends of the murdered citizens. It was their opinion that the eight Indians indicted should be surrendered to the state authorities to be tried. Should the Modocs accept an amnesty, they should, with the exception of the eight indicted, be removed at once to some fort, other than Fort

[72] The despatch read: 'All parties here have absolute faith in you, but mistrust the commissioners. If that Modoc affair can be terminated peacefully by you it will be accepted by the secretary of the interior as well as the president. Answer immediately, and advise the names of one or two good men with whom you can act, and they will receive the necessary authority; or, if you can effect the surrender to you of the hostile Modocs, do it, and remove them under guard to some safe place, assured that the government will deal by them liberally and fairly.'

Klamath, until their final destination was decided upon.[73]

To this report General Canby gave his approval, except that he held the opinion that the Indians, by surrendering as prisoners of war, would be exempt from process of trial by the state authorities of Oregon or California. From this opinion Roseborough dissented, but thought neither state would interfere if satisfied that the murderers would be removed to some distant country beyond the possibility of return.

Applegate and Case having resigned, the former with a characteristic special report to the acting commissioner of Indian affairs, H. R. Clum, in which he alluded to the peace commission as an "expensive blunder," and rejected his pay of ten dollars a day, it might be said that after the 6th of March no board really existed, and everything was in the hands of Canby. Jack, who kept himself informed of all that was transpiring, and fearful lest the commissioners should yet slip through his fingers, sent his sister Mary, on the day following Steele's final departure, to Canby, to say that he accepted the terms offered on the 3d, of present support and protection, with removal to a distant country; asking that a delegation of his people might be permitted to accompany the government officers in search of a new home, while the remainder waited, under the protection of the military, and proposed that the surrender should be made on the 10th.

To this proposition Canby assented, and word was sent to Jack that he and as many of his people as were able to come, should come into camp that evening, or next morning, and that wagons would be sent to the edge of the lake to fetch the others on Monday. But Jack did not come as expected, and the messengers sent to him returned with the information that they could not yet leave the lava-beds, as they were

[73] *Portland Bulletin*, March 13, 1873; *Jacksonville Sentinel*, March 8, 15, 1873; *Gold Hill News*, March 15, 1873; *S. F. Call*, March 5, 6, 7, 12, 13, 1873.

interring their dead, but would soon keep their promise. Canby then sent warning that unless they surrendered at once the troops would be sent against them, and Mary was sent once more to convey messages from Sconchin and Jack. The former affected surprise that the white officers should so soon be offended with them, and wished to know the names of those who sent the warning message; and Jack declared he desired peace or war at once, but preferred peace. There was little in his message, however, to indicate any degree of humility. On the contrary, he dictated the terms, which would leave him master of the situation, his people fed and clothed, and allowed to remain on Lost River, while he went forth free. Riddle and Toby, who interpreted the messages from the Modocs, saw in them a sinister meaning, and cautioned Canby.

The general, finding himself forced into a position where he must vindicate the power and righteousness of the government, and obey orders from the departments, had little choice. Either he must make war on the Modocs, which he was forbidden to do, or he must make peace with them, which was still doubtful. He chose to accept as valid the excuses for their want of faith, and went on making preparations for their reception at his camp on the 10th. Tents were put up to shelter them, hay provided for beds, and new blankets, with food and fire-wood furnished, besides many actual luxuries for the head men. On the day appointed, four wagons were sent, under the charge of Steele and David Horn, a teamster, to Point of Rocks on Klamath Lake, the rendezvous agreed upon; but no Indians appearing, after four hours of waiting the expedition returned and reported. Notwithstanding this, Canby telegraphed that he did not regard the last action of the Modocs as final, and would spare no pains to bring about the result desired; but might be compelled to make some movement of troops to keep them under observation. This was satisfac-

tory to the secretary of the interior, but not quite so to General Sherman, who had somewhat different views of the Modoc question.[74]

On the 11th a reconnoissance of the lava-beds, by a cavalry company under Colonel Biddle, was ordered, but he saw nothing of the Modocs. According to a previously expressed desire of Jack's, a messenger had been sent to Yainax to invite old Sconchin and a sub-chief, Riddle, to visit him, a proposition favored by the general, who hoped the friendly chiefs might influence him to make peace. Sconchin came reluctantly, and after the interview assured the general that all future negotiations would be unavailing.

On the 13th Biddle, while reconnoitring the vicinity of the lava-beds, captured thirty-four horses belonging to the Modocs—a measure thought necessary to lessen their means of escape. Two days afterward headquarters were moved to Van Bremer's, and the troops drawn closer about Jack's position. On the 19th Meacham wrote that he had not entirely abandoned hope of success; but the Modocs were deterred by a fear that the Oregon authorities would demand the eight indicted men to be tried. In this letter he advocated a meeting on Jack's own terms, and said if left to his own judgment he should have visited the stronghold; even that he was ready to do so now, but was restrained by Canby; though it did not appear that anything had transpired to change his mind since he had written that the Modocs meant treachery. Canby himself could not make his reports agree, for on one day he thought the Modocs would consent to go to Yainax, and on the next that they were not favorable to any arrangement. On the 22d, while Canby

[74] Sherman's telegram, after counselling patience, closed with this paragraph: 'But should these peaceful measures fail, and should the Modocs presume too far on the forbearance of the government, and again resort to deceit and treachery, I trust you will make such use of the military force that no other Indian tribe will imitate their example, and that no reservation for them will be necessary except graves among their chosen lava-beds.'

and Gillem were making a reconnoissance with a cavalry company, an accidental meeting took place with Jack and a party of his warriors, at which a conference was agreed upon between Jack, Sconchin, and the two generals; but when the meeting took place it was Scarface, the acknowledged war-chief, instead of Sconchin, who accompanied Jack. These provocations caused Canby to tighten more and more the cordon of soldiery, and to remove headquarters to the foot of the high bluff skirting the lake, within three miles of the Modoc position.

The peace commission, which had been reorganized by the appointment of E. Thomas, a methodist preacher of Petaluma, California, and L. S. Dyar of the Klamath agency, in place of Applegate and Case, resigned, arrived at headquarters on the 24th of March, and also Captain Applegate with five reservation Modocs sent for by Canby to assist in the peace negotiations. On the 26th Thomas and Gillem had an interview with Bogus Charley, another of the Modoc warriors, who passed freely between the stronghold and the military camp, carrying news of all he saw to his leader. In this interview it was once more agreed upon that on the following day Jack and his head men should meet these two in conference; but instead, a message "of a private nature" was sent by a delegation consisting of Bogus Charley, Boston Charley, Mary, and Ellen, another Modoc woman.

In this way the time passed until the last of March was reached, and fear was entertained that with the return of warm weather the Modocs would escape to the Shoshones, and that together they would join in a war on the outlying settlements. Hooker Jim had indeed already made a successful raid into Langell Valley, driving off a herd of horses; and on more than one occasion Jack's lieutenants had ventured as far as Yainax, laboring to induce Sconchin's band to join in a confederacy of five tribes, which he said were ready

to take the war-path as soon as he should quit the lava-beds; and these occurrences, becoming known, caused much alarm.

On the 31st a movement by the troops in force was made, three hundred marching to the upper end of Klamath Lake, and thence on the 1st of April to Tule Lake and the lava-beds, Mason's position being two miles from the stronghold, on the east side. On the 2d the Modocs signified their willingness to meet the peace commissioners at a point half-way between head-quarters and the stronghold; but Jack only reiterated his terms, which were a general amnesty, Lost River, and to have the troops taken away. The only concession made was his consent to having a council-tent erected at a place on the lava-field a mile and a quarter from the camp of the commissioners.

Again on the 4th a request was made by Jack for an interview with Meacham, Roseborough, and Fairchild at the council-tent. They went, accompanied by Riddle and Toby, and found Jack, with six warriors and the women of his family. Again Jack and Sconchin demanded the Lost River country and their freedom. He was assured that it was useless talking about Lost River, which they had sold, and which could not be taken back. When reminded of the killing of the settlers, Jack declared that if the citizens had taken no part in the fight of the 29th the murders would not have taken place; and finally said that he would say no more about Lost River if he could have a reservation in California, including Willow, Cottonwood, and Hot creeks, with the lava-beds; but this also was pronounced impracticable. The council, which lasted five hours, was terminated by the Indians suddenly retiring, saying if their minds were changed on the morrow they would report.

On the following morning Boston Charley brought a message from Jack to Roseborough, asking for another interview, to which consent was refused until Jack should have made up his mind; when Boston

cunningly remarked that the Modocs might surrender that day. Roseborough being deceived into thinking that they so intended, Toby Riddle was immediately sent to Jack with a message encouraging him in this purpose. The proposition was not only declined, but in such a manner that on her return Toby assured the commissioners and General Canby that it would not be safe for them to meet the Modocs in council. This information was lightly treated by Canby and Thomas, but was regarded as of more consequence by Meacham and Dyar. Jack had succeeded in allaying the apprehensions of treachery once entertained by Canby, by his apparently weak and vacillating course, which appeared more like the obstinacy of a spoiled child than the resolution of a desperate man. The military, too, were disposed to regard Jack's attachment to the region about Tule Lake as highly patriotic, and to see in it something romantic and touching. These influences were at that critical juncture of affairs undermining the better judgment of the army.[75]

On the morning of the 8th of April Jack sent a messenger to the commissioner to request a meeting at the council-tent, the former to be accompanied by six unarmed Modocs. But the signal-officer at the station overlooking the lava-beds reporting six Indians at the council-tent, and twenty more armed in the rocks behind them, the invitation was declined. Jack understood from this rejection of his overtures that he was suspected, and that whatever he did must be done quickly. If the truth must be told, in point of natural sagacity, diplomatic ability, genius, this savage was more than a match for them all. His plans so

[75] In Meacham's special report he points out that Thomas was indiscreet in his intercourse with the Modocs. He questioned one of them as to the truth of Toby's report that it would not be safe for the commissioners to meet Jack, which was denied; and on being asked in turn who told him, he said Toby Riddle—a dangerous breach of trust, exposing Toby to the wrath of the Modocs. Gillem also informed this same Indian 'that unless peace was made very soon he would move up near the Modoc stronghold, and that one hundred Warm Spring Indians would be added to the army within a few days.' *Ind. Aff. Rept*, 1873, 77.

far had been well devised. His baffling course had secured him the delay until spring should open sufficiently to allow him to fly to the Shoshones, when, by throwing the army into confusion, the opportunity should be afforded of escape from the lava-beds with all his followers.

On the morning of the 10th Boston Charley, Hooker Jim, Dave, and Whim visited headquarters, bringing a proposition from Jack that Canby, Gillem, and the peace commissioners should meet the Modocs in council. He was answered by a proposition in writing, which Riddle read to them, containing the former terms of a general amnesty and a reservation in a warmer climate. Jack's conduct was not encouraging. He threw the paper upon the ground, saying he had no use for it; he was not a white man, and could not read. Light remarks were uttered concerning the commissioners. Beef was being dried, and breastworks thrown up, strengthening certain points, all of which indicated preparations for war rather than peace. Jack, however, agreed to meeting the commissioners if they would come a mile beyond the council-tent.

Notwithstanding all these ominous signs, and the advice of Riddle to the contrary, it was finally settled at a meeting of the peace commissioners, Thomas in the chair, that a conference should take place between them and Canby on one side and Jack and five Modocs on the other, both parties to go without arms. The 11th was the day set for the council, and the place indicated by Jack accepted. After this decision was arrived at, Riddle still advised Canby to send twenty-five or thirty men to secrete themselves in the rocks near the council-ground, as a guard against any treacherous movement on the part of the Indians. But to this proposal Canby replied that it would be an insult to Captain Jack to which he could not consent; and that besides, the probable discovery of such a movement would lead to hostilities. In this he was

not mistaken, for Bogus Charley and Boston Charley spent the night in Gillem's camp, remaining until after the commissioners had gone to the rendezvous.[76]

The place chosen by Jack was a depression among the rocks favorable to an ambuscade, and Meacham, who had not been present when the meeting was determined upon, strenuously objected to placing the commission in so evident a trap, but yielded, as did Dyar, to the wishes of Canby and Thomas, one of whom trusted in the army and the other in God to see them safely through with the conference.[77] So earnest was Riddle not to be blamed for anything which might happen, that he requested all the commissioners and Canby to accompany him to Gillem's tent, that officer being ill, where he might make a formal protest; and where he plainly admitted that he consented to make one of the party rather than be called a coward, and advised that concealed weapons should be carried. To this proposition Canby and Thomas punctiliously objected, but Meacham and Dyar concealed each a small pistol to be used in case of an attack.

At the time appointed, the peace commissioners repaired to the rendezvous, Meacham, Dyar, and Toby riding, and the others walking, followed by Bogus and Boston from the military camp, which gave Jack just double the number of the commissioners, of whom Canby was to be considered as one. All sat down in a semicircular group about a camp-fire. Canby offered the Modocs cigars, which were accepted, and all smoked for a little while. The general then opened the council, speaking in a fatherly way: say-

[76] *H. Ex. Doc.*, 122, 139, 43d cong. 1st sess.

[77] Canby said that the Modocs dare not attack with Mason's force where it could be thrown into the stronghold before the Modocs could return to it. Thomas said that God almighty would not let any such body of men be hurt that was on as good a mission as that. 'I told him,' says Riddle, 'that he might trust in God, but that I didn't trust any of them Indians.' Meacham, in his *Wigwam and Warpath*, published two or three years after the war, says that the Modocs, perceiving the doctor's religious bent, pretended to have their hearts softened and to desire peace from good motives, which hypocrisy deceived him. I do not find anything anywhere else to sustain this assertion.

ing he had for many years been acquainted with Indians; that he came to the council to have a kindly talk with them and conclude a peace, and that whatever he promised them they could rely upon. Meacham and Thomas followed, encouraging them to look forward to a happier home, where the bloody scenes of Lost River could be forgotten.

In reply, Jack said he had given up Lost River, but he knew nothing of other countries, and he required Cottonwood and Willow creeks in place of it and the lava-beds. While the conference had been going on, several significant incidents had occurred. Seeing another white man approaching along the trail from camp, and that the Indians appeared uneasy, Dyar mounted and rode out to meet the intruder and turn him back. When he returned he did not rejoin the circle, but remained a little way behind, reclining upon the ground, holding his horse. While Meacham was talking and Sconchin making some disrespectful comments in his own tongue, Hooker Jim arose, and going to Meacham's horse, took his overcoat from the horn of the saddle, putting it on, and making some mocking gestures, after which he asked in English if he did not resemble "old man Meacham."

The affront and all that it signified was understood by every man there; but not wishing to show any alarm, and anxious to catch the eye of Canby, Meacham looked toward the general, and inquired if he had anything more to say. Calmly that officer arose, and related in a pleasant voice how one tribe of Indians had elected him chief, and given him a name signifying "Indian's friend;" and how another had made him a chief, and given him the name of "The tall man;" and that the president of the United States had ordered him to this duty he was upon, and he had no power to remove the troops without authority from the president.

Sconchin replied by reiterating the demand for Willow and Cottonwood creeks, and for the removal

of the troops. While Sconchin's remarks were being interpreted, Jack arose and walked behind Dyar's horse, returning to his place opposite Canby a moment later. As he took his position, two Indians suddenly appeared, as if rising out of the ground, carrying each a number of guns. Every man sprang to his feet as Jack gave the word, "all ready," in his own tongue, and drawing a revolver from his breast fired at the general. Simultaneously Sconchin fired on Meacham, and Boston Charley on Thomas. At the first motion of Jack to fire, Dyar, who was a very tall man and had the advantage of a few feet in distance, started to run, pursued by Hooker Jim. When he had gone a hundred and fifty rods, finding himself hard pressed, he turned and fired his pistol, which checked the advance of the enemy. By repeating this manœuvre several times, he escaped to the picket-line. Riddle also escaped by running, and Toby, after being given one blow, was permitted to follow her husband. General Canby was shot through the head. Thomas was also shot dead; and both were instantly stripped naked. Meacham had five bullet-wounds, and a knife-cut on the head. He was stripped and left for dead, but revived on the arrival of the troops.

While the commissioners were smoking and conversing with the Modocs, a preliminary part of the tragedy was being enacted on another part of the field. An Indian was discovered by the picket about Mason's camp carrying a white flag, a sign of a desire to see some of the officers, and Lieutenant W. L. Sherwood, officer of the day, was sent by the colonel to meet the bearer and learn his errand. Sherwood soon returned with the report that some Modocs desired an interview with the commander of the post; when Mason sent them word to come within the lines if they wished to see him. Lieutenant Boyle, who happened to be present, asked permission to accompany Sherwood, when the two officers walked out to meet the flag-bearer, half a mile outside the pickets.

On the way they encountered three Indians, who inquired if Boyle was the commanding officer, and who invited them to go on to where the flag-bearer awaited them. Something in their manner convincing the officers of treachery, they declined, saying that if the Indians desired to talk they must come within the lines, and turned back to camp. The Indians then commenced firing, Sherwood and Boyle running and dodging among the rocks, being without arms. Sherwood soon fell, mortally wounded, but Boyle escaped, being covered by the guns of the pickets.

The officer at the signal-station overlooking Mason's camp immediately telegraphed General Gillem what had occurred, and preparations were at once made to send T. T. Cabaniss to warn General Canby, but before the message was ready the signal-officer reported firing on the council-ground.

At this word the troops turned out, Sergeant Wooton of company K, 1st cavalry, leading a detachment without orders. The wildest confusion prevailed, yet in the sole intent, if possible, to save the life of the general whom they all loved and venerated, there was unity of purpose. Before the troops reached the council-ground they were met by Dyar, with the story of the fatal catastrophe, and on arriving at the spot, Meacham was discovered to be alive. Jack had retreated to his stronghold, the troops following for half a mile, but finally retreating to camp for the night.[78]

As might have been expected, a profound excitement followed upon the news of the disastrous winding-up of the peace commission. At Yreka Delano was hanged in effigy. At Portland the funeral honors

[78] Cabaniss, who was personally strongly attached to Canby, wrote an interesting and highly colored account of the incidents just prior to and succeeding the massacre, for the Eureka, Cal., *West Coast Signal*, April 19, 1873. Various accounts appeared in the newspapers of that date, and in *Fitzgerald's Cal. Sketches*, 140; *Simpson's Meeting the Sun*, 356–83; and *Meacham's Wigwam and Warpath*, written to justify his own want of judgment and conceal his want of honesty.

paid to Canby were almost equal to those paid to Lincoln.[79]

One general expression of rage and desire for revenge was uttered over the whole country, east as well as west; and very few shrank from demanding extermination for the murderers of a major-general of the United States army and a methodist preacher, though little enough had been the sympathy extended by the east to the eighteen hard-working, undistinguished citizens of the Oregon frontier[80] massacred by these same Modocs.

The president authorized Sherman to order Schofield, commanding the division of the Pacific, "to make the attack so strong and persistent that their fate may be commensurate with their crime;" to which Sherman added, "You will be fully justified in their utter extermination." Many expedients were sug-

[79] Edward R. S. Canby was born in Kentucky in 1817, and appointed to the military academy at West Point from Indiana. He graduated in 1839, and was made 2d lieut. He served in the Florida war, and removed the Indians to Arkansas in 1842. From 1846 to 1848 he served in Mexico, and was at the siege of Vera Cruz, the battles of Cerro Gordo, Contreras, and Churubusco, where he was brevetted major for gallant conduct; was at the assault and capture of the City of Mexico, where he was brevetted lieut-col; was commander of the division of the Pacific from 1849 to 1851, after which he was four years in the adj.-gen. office at Washington. From 1855 to the breaking out of the rebellion he was on frontier duty. He served through the civil war as colonel of the 19th inf. in the dep. of New Mexico; was made brig.-gen. of U. S. volunteers in March 1862; was detached to take command of the city and harbor of New York to suppress draft riots; was made maj.-gen. of volunteers in 1864, in command of the military division of west Mississippi; was brevetted brig.-gen. of the U. S. army in 1865 for gallant conduct at the battle of Valverde, New Mexico; and was brevetted maj.-gen. U. S. army for gallant and meritorious services at the capture of Fort Blakely and Mobile. He commanded the military district of North and South Carolina from September 1867 to September 1868, and was afterward placed in command of Texas, and then of Va, where he remained until transferred to Or. in 1870. He was tall and soldierly in appearance, with a benevolent countenance. He had very little money saved at the time of his death, and a few citizens of Portland gave five thousand dollars to his widow. It is stated that a brother was stricken with sudden insanity on hearing of his fate. *Santa Barbara Index*, July 17, 1873. Rev. E. Thomas was a minister in the methodist denomination. He was in charge of a Niagara-street church in Buffalo, New York, in 1853; came to Cal. in 1865, where he was agent for the Methodist Book Concern; for several years was editor of the Cal. *Christian Advocate*, and at the time of his death was presiding elder of the Petaluma district of the Cal. M. E. Conference. He left a wife and three children. *Oregonian*, April 14, 1873.

[80] See Washington despatches, in *Portland Oregonian*, April 15, 1873; *N. Y. Herald*, April 20, 1873; *London Times*, April 16, 1873.

gested in the public prints to force the Modocs out of their caves in the lava-beds, such as sharp-shooters to pick them off at long range; steel armor for the soldiers; the employment of blood-hounds, and of sulphur smoke.[81] But fortunately for the reputation of the American people, none of these methods were resorted to, the public being left to exhaust its hostility in harmless suggestions.[82]

The troops had at no time regarded the peace commission with favor, any more than had the people best acquainted with the character of the Modocs. Those who fought on the 17th of January were displeased with the removal of Wheaton from the command, and had seen nothing yet in Gillem to lessen their dissatisfaction. They were now anxious to fight, and impatiently awaiting the command, which they with other observers thought a long time coming.

On the day after the massacre Mason moved to the south of the stronghold six miles. His line was attacked by the Modocs, forcing the left picket to give way, which position was, however, retaken by Lieutenant E. R. Thellar with a portion of company I of the 21st infantry. Skirmishing was kept up all day and a part of the 13th. At length, on the 14th, Gillem telegraphed to Mason, asking if he could be ready to advance on the stronghold on the next morning; to which Mason replied that he preferred to get into position that night. To this Gillem consented, ordering him not to make any persistent attack, but to shelter his men as well as possible. Donald McKay's company of Warm Spring scouts, engaged by Canby when it began to appear that hostilities would be resumed, had arrived, and was posted on Mason's left, with orders to work around toward Green's right.

The movement began at midnight, and before day-

[81] See letter of A. Hamilton to the secretary of the interior, in *H. Ex. Doc.*, 122, 287, 43d cong. 1st sess.

[82] *Portland Bulletin*, March 8 and 15, and April 2, 4, 19, 28, 1873; *Jacksonville Sentinel*, May 3, 1873; *Roseburg Plaindealer*, May 2 and June 27, 1873.

light the troops were in position, about four hundred yards east of the stronghold, the right of the infantry under Captain Burton resting on the lake, and Bernard's troop dismounted on the left, with a section of mountain howitzers, held subject to order, under Lieutenant E. S. Chapin. Breastworks of stone were thrown up to conceal the exact position of the troops. On the west side of the lake Perry and Cresson moved at two o'clock in the morning to a point beyond the main position of the Modocs on the south, where they concealed their troops and waited to be joined at daylight by the infantry and artillery under Miller and Throckmorton, with Colonel Green and staff. Miller had the extreme right, and the cavalry the extreme left touching the lake, while Throckmorton's artillery and two companies of infantry were in the centre.

The day was warm and still, and the movement to close in began early. The first shots were received a mile and a half from Jack's stronghold on the west, while the troops were advancing in open skirmish order along the lake shore, sheltering themselves as best they could under cover of the rocks in their path. On reaching the gorge under the bluff a galling fire was poured upon them from the rocks above, where a strong party of Modocs were stationed. Mason was doing all that he could to divide the attention of the Indians while the army passed this dangerous point, and the reserves coming up, a charge was made which compelled the Modocs to retire, and their position was taken.

At two o'clock the order was given to advance the mortars under Thomas and Cranston, and Howe of the 4th artillery. By half-past four they were in position, and the left of the line on the west had reached a point opposite the stronghold. By five o'clock the mortars began throwing shells into the stronghold, which checked the Modoc firing. So far all went well. The bluff remained in the possession of Miller's men, between whom and the main plateau, or mesa, in

which the caves are situated, only two ledges of rock intervened. On Mason's side, also, the outer line of the Modoc defences was abandoned. At six o'clock the mortars were again moved forward, and by nightfall the troops in front of the stronghold were ready to scale the heights. At midnight Mason's troops took up the position abandoned by the Modocs, within one hundred yards of their defences.

Their last position was now nearly surrounded, but they fought the troops on every side, indicating more strength than they were supposed to possess. The troops remained upon the field, and mortar practice was kept up throughout the night at intervals of ten minutes. In the morning, Mason's force with the Warm Spring scouts being found in possession of the mesa, the Modocs abandoned their stronghold, passing out by unseen trails, and getting on Mason's left, prevented his joining with Green's right. Subsequently, he was ordered to advance his right and join Green on the shore of the lake, which cut the Indians off from water.

By ten o'clock in the forenoon Green's line had reached the top of the bluff nearest the stronghold, meeting little opposition, but it was decided not to push the troops at this point, as there might be heavy loss without any gain, and the want of water must soon force the Modocs out of their caverns and defences, while it was not probable they could find a stronger position anywhere. The day's work consisted simply of skirmishings. No junction was effected between Mason and Green on the west; the principal resistance offered being to this movement.

In the evening Thomas dropped two shells into the Modoc camp-fire, causing cries of rage and pain. After this the Indians showed themselves, and challenged the soldiers to do the same; but the latter were hidden behind stone breastworks, five or six in a place, with orders not to allow themselves to be surprised in these little forts, built at night; they also caught a little

sleep, two at a time, while the others watched.[88] The second day ended with some further advances upon the stronghold, and with the batteries in better position. The blaze of musketry along the lake shore at nine o'clock in the evening, when the Modocs endeavored to break through the lines to get to water, was like the flash of flames when a prairie is on fire. The troops remained again over night on the field, having only coffee served hot with their rations.

On the morning of the 17th Green's and Mason's lines met without impediment, and a general movement was made to sweep the lava-beds, the Indians seeming to rally about eleven o'clock, and to oppose the approach to their famous position. But this was only a feint, and when the troops arrived at the caves the Modocs had utterly vanished. Then it appeared why they had so hotly contested the ground between Mason and Green. An examination showed a fissure in the pedregal leading from the caverns to the distant hills, which pass had been so marked that it could be followed in the darkness, and through it had been conveyed the families and property of the Modocs to a place of safety.

The loss of the army in the two days' engagements was five killed and twelve wounded. On the third day a citizen of Yreka, a teamster, was killed, and his team captured. Seventeen Indians were believed to be killed.

The consternation which prevailed when it became known that Jack had escaped with his band was equal to that after the massacre of the peace commissioners; but the worst was yet to come. From the smoke of large fires observed in the south-east, it was conjectured that the Indians were burning their dead, and fleeing in that direction, and the cavalry was ordered to pursue, Perry setting out the 18th to make a circuit of the lava-beds, a march of eighty miles. The Warm

[88] *Boyle's Conduct of the Modoc War*, MS., 23.

Spring scouts also were scouring the country toward the east. In the mean time Mason was ordered to hold the Modoc fortress, while his camp at Hospital Rock was removed to the camp at Scorpion Point, on the east side of the lake. This left the trail along the south side exposed to attack from the enemy's scouts. On the afternoon of the 18th they appeared on a ridge two miles off, and also at nearer points during the day, firing occasional shots. On the morning of the 19th they attacked a mule pack-train on its way from Scorpion Point to supply Mason at the stronghold, escorted by Lieutenant Howe with twenty men, and were repulsed. Lieutenant P. Leary, in coming to meet the train with an escort, had one man killed and one wounded; and Howe, on entering the lava-beds, both coming and returning, was fired on. A shell dropped among them dispersed them for that day; but on the 20th they again showed themselves, going to the lake for water, and fired on the Warm Spring scouts, who were burying one of their company killed on the 17th. They even bathed themselves in the lake, in plain view of the astonished soldiery in camp. After two days, Perry's and McKay's commands came in without having seen a Modoc.

Meanwhile Gillem was waiting for two companies of the 4th artillery, en route from San Francisco, under captains John Mendenhall and H. C. Hasbrouck, to make another attempt to surround the Modocs in their new position, which he reported as being about four miles south of their former one. In their impatience, the troops went so far as to say that it was concern for his personal safety which deterred Gillem, who had not stirred from camp during the three days' fight, but had all the troops that could be spared posted at his camp.

From the 20th to the 25th nothing was done except to keep the scouts moving. On the night of the 22d McKay discovered a camp of forty Modocs in a ridge at the southern end of the lava-beds, known as the

Black Ledge. Its distance from headquarters was about four miles, with a trail leading to it from the lake, which was practicable for light artillery. For two days after its discovery no Indians were seen coming to the lake for water, and the opinion prevailed that they had left the lava-beds, in which case they were certain either to escape altogether or to attack the settlements.

In order to settle the question of their whereabouts, a reconnoissance was planned to take place on the 26th, to extend to the Black Ledge. In arranging this scout Gillem consulted with Green. It was decided to send on this service Thomas, with Howe, Cranston, and Harris of the artillery, and Wright of the infantry, with a force of about seventy men, and a part of Donald McKay's scouts, making about eighty-five in all.

Some anxiety was felt as the expedition set out at eight o'clock in the morning, and a watch was kept upon their movements as they clambered among the rocks, until they passed from view behind a large sand-butte, a mile and a half away. Before passing out of sight, they signalled that no Indians had been found. As no official account of what transpired thereafter could ever be given, the facts, as gathered from the soldiers, appear to have been as follows:

Thomas advanced without meeting any opposition or seeing any Indians until he reached the point designated in his orders, keeping out skirmishers on the march, with the Warm Spring scouts on his extreme left, that being the direction from which it was thought the Indians might attack if at all. But none being discovered, and the field appearing to be clear, a halt was called about noon, when men and officers threw themselves carelessly upon the ground to rest and take their luncheon.

While in this attitude, and unsuspicious of danger, a volley of rifle-balls was poured in among them. It would be impossible to describe the scene which fol-

lowed. When the troops were attacked they were in open ground, from which they ran to take shelter in the nearest defensible positions. Many of them never stopped at all, or heeded the word of command of their officers, but kept straight on to camp. "Men, we are surrounded; we must fight and die like soldiers," cried Thomas; but he was heeded by few, fully two thirds of the men being panic-stricken, and nearly one half running away.

The only shelter that presented itself from the bullets of the concealed Modocs was one large and several smaller basins in the rocks. In these the remainder of the command stationed themselves, but this defence was soon converted into a trap in which the victims were the more easily slaughtered. The Indians, who from the first aimed at the officers, were now able to finish their bloody work. In what order they were killed no one could afterward tell; but from the fact that only Thomas and Wright were remembered to have said anything, it is probable the others fell at the first fire, and that it was their fall which demoralized the men so completely. Thomas received several wounds. Wright was wounded in the hip, in the groin, in the right wrist, and through the body. He was in a hole with four of his men, when a sergeant attempted to bring him some water, and was also shot and wounded in the thigh. Soon after Wright died, and the remaining three, all of whom were wounded, were left to defend themselves and protect the body of their dead commander. About three o'clock an Indian crept up to the edge of the basin, calling out in English to the soldiers if they were not wounded to leave for camp, as he did not wish to kill all of them, at the same time throwing stones into the pit to cause some movement if any there were really alive. Hearing no sound, he crept closer and peered over, with two or three others, when the soldiers sprang up and fired. The Indians then left them, whether wounded or not the soldiers could

not tell. Similar scenes were being enacted in other parts of the field. As soon as it was dusk those of the wounded who could move began crawling over the rocks toward camp.

Out of sixty-five enlisted men, twenty-two were killed and sixteen wounded, a loss of over three fifths of the force; of the five commissioned officers, not one escaped, though Harris lived a few days after being mortally wounded; Surgeon Semig recovered with the loss of a leg; making the total loss of twenty-seven killed and seventeen wounded, besides a citizen shot while going to the relief of the wounded. "Where were the Warm Spring scouts?" asked the horrified critics of this day's work. They were in the rear and to the left of Thomas, and after the attack, could not get nearer because the soldiers would mistake them for the Modocs, not being in uniform.[84]

According to some witnesses, help was very tardily rendered after the attack on Thomas' command became known,[85] which it soon was. Although the stragglers began to come in about half-past one o'clock, it was not until night that a rescuing force was ready to go to Thomas' relief. When they did move, there were three detachments of cavalry under captains Trimble and Cresson, and two others under Jackson and Bernard, with two companies of artillery under Throckmorton and Miller. In two lines they moved out over the lava-beds, soon lost to sight in the gloom of night and tempest, a severe storm having come on at the close of a fine day. A large fire was built on a high point, which gave but little guidance on account

[84] *Boyle's Conduct of the Modoc War*, MS., 41-2; Corr. *S. F. Chronicle*, in *Portland Oregonian*, May 6, 1873; *S. F. Call*, April 30, 1873; *S. F. Alta*, April 30, 1873; *Sac. Record-Union*, April 30, 1873; *S. F. Post*, April 29, 1873; *S. F. Bulletin*, April 29, 1873; *Annual Report of Maj.-Gen. Jeff. C. Davis*, 1873, p. 5-6; *Or. Deutsch Zeitung*, May 3, 1873; *S. F. Elevator*, May 3, 1873.

[85] Boyle says that the firing, which began about noon, could be distinctly heard at camp. Cabaniss testified the same. The correspondent of the *S. F. Chronicle* said that no firing was heard, but that he could see through his glass, from the signal-station, the soldiers running wildly about and crawling over the rocks, evidently panic-stricken. Col Green, he says, went immediately to their assistance; but this was false.

of the weather. When found, the whole extent of ground covered by the dead and wounded was comprised within a few hundred feet, showing how little time they had in which to move.

Finding it impossible to bring in all the dead, the bodies of the soldiers were piled together and covered with sage-brush, which the Indians subsequently fired. The wounded, and the dead officers, were carried on stretchers, lashed upon the backs of mules, and the ghastly procession returned through the storm to camp, where it arrived at half-past eight on the morning of the 27th.

The loss of so many officers and men deeply affected the whole army. Soldiers who had been in the service all their lives wept like children.[86] The discontent which had prevailed since the command devolved upon Gillem became intensified, and officers and men did not hesitate to say that had an experienced Indian fighter, instead of young officers just from the east, been sent upon this reconnoissance, or had these young officers received the proper orders, the disaster need not have occurred. The effect on the public mind was similar, which was at first incredulous, then stunned. "Whipped again! whipped again!" was the universal lament.[87]

[86] 'Especially was this the case as regards Lieut Harris of the 4th art., whose battery, K, perfectly idolized him.' *S. F. Call*, April 30, 1873. 'That night's march made many a young man old.' *Boyle's Conduct of the Modoc War*, MS., 4.

[87] Evan Thomas was a son of Lorenzo Thomas, formerly adj.-gen. of the army. He was appointed 2d lieut of the 4th art. April 9, 1861, from the district of Columbia; was promoted to a first lieutenancy on the 14th of May 1861, and made capt. Aug. 31, 1864, though brevetted capt. in Dec. 1862, and brevetted maj. in July 1863, honors won on the field of battle. He left a widow and two children at San Francisco. After receiving his death wound Thomas buried his gold watch and chain, in the hope it might escape discovery by the Modocs, and be recovered by his friends. But the watchful foe did not permit this souvenir to reach them.

Thomas F. Wright was a son of Gen. George Wright, formerly in command of the department of the Columbia. He was appointed to the West Point military academy in 1858, and served subsequently as 1st lieut in the 2d Cal. cavalry, but resigned in 1863, and was reappointed with the rank of maj. in 6th Cal. inf. He was transferred to the 2d Cal. inf. with the rank of col until he was mustered out at the close of the war of the rebellion with the rank of brevet brig.-gen. He was appointed 1st lieut of the 32d inf. in July 1866. In Jan. 1870 he was assigned to the 12th inf. at Camp Gaston, Cal.,

On the 2d of May Colonel Jefferson C. Davis, who had succeeded Canby in the command of the department of the Columbia, arrived at headquarters, where the army had lain inactive and much dispirited since the 26th. Davis sent for Wheaton, to whom he soon restored the command of the troops in the field, and Mendenhall's command having arrived, the army was to some extent reorganized, Davis taking a few days to acquaint himself with the country.

During this interval the Modocs were not idle. Their fires could be seen nightly in the lava-beds, and on the 7th they captured a train of wagons between Bernard's old camp and Scorpion Point, wounding two soldiers. Two Indian women, sent on the same day to reconnoitre the last position of the Modocs, reported none in the lava-beds, a statement verified by McKay. Hasbrouck's light battery, serving as cavalry, and Jackson's cavalry were immediately ordered to prepare for an extended reconnoissance on the 9th to make sure that no Indians were secreted in any part of the lava-field. On the night of the 9th Hasbrouck encamped at Sorass Lake, south-east of the pedregal on the road to Pit River, but the water being unfit for use, a detachment was sent back seventeen miles to procure some. While the detachment, which was escorted by the Warm Spring scouts, was absent, a company of thirty-three Modocs, headed by Jack, in the uniform of General Canby, attacked the

whence after the battle of the 17th of Jan. he was ordered to the Modoc country. Albian Howe was appointed 2d lieut in 1866, having served as maj. of volunteers during the war. He was promoted to a 1st lieut in Nov. 1869, and brevetted capt. in March 1867. He was the son of Col H. S. Howe, formerly of the U. S. army, but on the retired list. He had but a short time before his death married a daughter of W. F. Barry, colonel of the 1st artillery, and commander of the artillery school at Fortress Monroe. Arthur Cranston was a native of Mass., 30 years of age. He graduated from West Point in 1867, and was appointed 2d lieut in the 4th art. He had served in the 7th reg. Ohio vol. before entering the military academy, and was promoted to a lieutenancy in the 55th Ohio reg. which served in western V. He left a widow and one child in Washington. George M. Harris was a native of Pa, 27 years of age, and a graduate of West Point of the class of 1868. He was appointed 2d lieut of the 10th infantry in 1868, and assigned to the 4th artillery in 1869. *S. F. Call*, April 30, 1873.

camp, stampeding their horses and leaving the command on foot.

While the troops were getting under arms, the Modocs continued to charge and fire, killing four soldiers and one scout, and wounding seven other men, two mortally. Hasbrouck rallied his command and charged the Indians at the very moment the detachment returned, which joining in the fight, the Modocs were pursued three miles and driven into the woods, with a loss of twenty-four pack-animals, their ammunition, one warrior killed, and several disabled, who were carried off on horses toward the mountains on Pit River, McKay's scouts following.

This was the first important advantage gained since the beginning of the war. The amount of ammunition captured led to the conviction that Jack was receiving aid from some unknown source, a suspicion which he afterward attempted to fix upon the Klamaths, against whom no evidence was ever shown, all the proofs going to show that the assistance came from Yreka.[83]

On news of the attack on Hasbrouck reaching headquarters, Mason was sent to reënforce him with a hundred and seventy men, and take the command of an expedition whose purpose was to capture Jack. On arriving at Sorass Lake, Mason received information from McKay that Jack was occupying a fortified position twenty miles south of the original stronghold. He proceeded with three hundred men to invest this position, and keep a watch upon the Modocs until the batteries should come up to shell them out of it. But when the attack was made on the 13th Jack had again eluded his pursuers. Hasbrouck's command, which had been again mounted, was ordered to give chase toward the south, while Mason remained in camp, and Perry's troop made a

[83] Boyle was of opinion that in the fight of the 17th the Klamath scouts gave their ammunition to the Modocs, but Applegate, who was in command, strongly repelled the suspicion, and there was evidence enough of illicit commerce with persons in or about Yreka.

dash along the southern border of the lava-beds to beat up Indians in ambush. A thorough scouting of the whole region resulted in surprising a party of the Cottonwood Creek band, killing one warrior and two armed women, who were mistaken for warriors. All the rest of the men escaped, leaving five women and as many children, who were taken prisoners.

From these women intelligence was gained that after the defeat at Sorass Lake two thirds of Jack's following had deserted him, declaring a longer contest useless, and that he had now no ability to fight except in self-defence. At the last stormy conference Jack had reluctantly consented to a cessation of hostilities, and the advocates of peace had retired to their beds among the rocks satisfied; but when morning came they found their captain gone, with his adherents and all the best horses and arms, as they believed, toward Pit River Mountains. The intelligence that the Modocs were roaming at will over the country caused the adjutant-general of the militia of California to order to be raised a company of fifty sharp-shooters, under the captaincy of J. C. Burgess of Siskiyou county, which was directed to report to Davis.

On the 20th of May, Hasbrouck brought his prisoners in to headquarters, at Fairchild's farm, delivering them to the general, who immediately despatched two Indian women, Artena and Dixie, formerly employed as messengers by the peace commissioners, to find the remainder of the Cottonwood band and invite them to come in and surrender without conditions. Artena had no confidence that the Modocs would surrender, because of their fear that the soldiers would fall upon them and slaughter them in revenge for their atrocities. But Davis succeeded in convincing her that he could control his men, and she in turn, after several visits, convinced the hesitating Indians so far that they consented, especially as Davis had at last sent them word that if they again refused they

would be shot down wherever found with a gun in their hands.

About sunset on the 22d the cry was heard in camp, "Here they come! Here they are!" Every man started to his feet, and every camp sound was hushed. In front of the procession rode Blair, the superintendent of Fairchild's farm, who sharply eyed the strolling soldiers. Fifty yards behind him rode Fairchild; behind him the Modoc warriors, followed by the women and children, all mounted, or rather piled, upon a few gaunt ponies, who fairly staggered under them. All the men wore portions of the United States uniform, and all the women a motley assortment of garments gathered up about the settlements, or plundered from the houses pillaged in the beginning of the war. Both men and women had their faces daubed with pitch, in sign of mourning, giving them a hideous appearance. Among them were the lame, halt, and blind, the scum of the tribe. Slowly and silently they filed into camp, not a word being uttered by any one. Davis went forward a little way to meet them, when twelve warriors laid down their Springfield rifles at his feet, these being but about a third of the fighting strength of this band. Among them, however, were Bogus Charley, Curly-headed Doctor, Steamboat Frank, and Shacknasty Jim, four notorious villains. When asked where were Boston Charley and Hooker Jim, Bogus answered that Boston was dead, and Hooker Jim was searching for his body, neither of which stories was true. Conscious of his deserts, Hooker was skulking outside the guard, afraid to come in, but perceiving that the others were unharmed, he finally presented himself at camp by running at the top of his speed past the soldiers and throwing himself on the floor of Davis's tent. The surrendered band numbered sixty-five in all.

The captive Modocs now endeavored by their humility and obedience to deserve the confidence of the commander, and if possible to secure immunity from

punishment for themselves, and Davis thought best to make use of this truckling spirit in putting an end to the war. From the information imparted by them in several interviews, it was believed that Jack was on the head-waters of Pit River with twenty-five warriors and plenty of horses and arms, and it was determined that a scouting expedition should take the field in that direction. On the 23d of May, Jackson left Fairchild's with his cavalry, marching by the Lost River ford to Scorpion Point, where the artillery companies were encamped. On the 25th Hasbrouck marched to the same rendezvous, Perry following on the 28th, and with him went the expedition and district headquarters.

Three days previous to the removal of headquarters, the commander, with five soldiers, two citizens, and four armed Modocs, made a reconnoissance of the lava-beds, the Modocs behaving with the most perfect fidelity, and convincing Davis that they could be trusted to be sent on a scout. Accordingly, on the 27th, they were furnished with rations for four days, and sent upon their errand. Soon they returned, having found Jack east of Clear Lake, on the old immigrant road to Goose Lake, preparing to raid Applegate's farm on the night of the 28th.

Jackson's and Hasbrouck's squadrons, and the Warm Springs scouts were at once ordered to Applegate's and to take the trail of the Modocs toward Willow Creek cañon, a despatch being sent to notify the troops en route from Fairchild's under Wheaton to hasten and join headquarters at Clear Lake. Elaborate preparations were made for the capture, skirmish lines being formed on each side of Willow Creek, and all the prominent points in the vicinity held by detachments.

When all these preparations had been completed for investing the Modoc camp, a number of the Indians appeared, calling out to the officers that they did not want to fight, and would surrender, when orders were

given not to fire. Boston Charley then came forward and gave up his arms, stating that the band were hidden among the rocks and trees, but would surrender if he were allowed to bring them in. At this moment the accidental discharge of a carbine in the hands of one of the scouts caused the Indians on the north side of the creek to disappear; but Boston offered to undertake gathering them in, if permitted to do so, which permission was given by Green. It happened, however, that after crossing to the other side of the cañon for that purpose, Boston was captured by Hasbrouck's troops coming up that side, and sent to the rear under guard, and that Green did not become aware of this fact for two hours, during which he waited for Boston's return, and the Modoc warriors escaped, though some women and children were captured. It being too late to follow the trail of the fugitives, the troops bivouacked for the night.

On the morning of the 30th Hasbrouck's scouts discovered the trail on the north side of Willow Creek, leading toward Langell Valley. Owing to the broken surface of the country, it was not until late in the day that the foremost of the troops under Jackson, who had crossed the creek and joined in the pursuit, reached the crest of the rocky bluff bounding Langell Valley on the east, and where the Modocs were discovered to be. When the skirmishers had advanced to within gun-shot, Scarface Charley came forward with several others, offering to surrender, and was permitted to return to the band whom he promised to bring in. Jack's sister Mary, being with the troops, went with Scarface, as did also Cabaniss,[89] to both of whom Jack promised surrender in the morning. But when morning came, true to his false nature, he had again disappeared with a few of his followers.

The news of Jack's escape being sent to headquarters, Perry was ordered, on the morning of the

[89] *Eureka West Coast Signal*, March 1, 1876; Corr. *Oregonian*, June 3, 1873.

31st, to take guides and join in the pursuit.[90] About half-past one o'clock on the morning of June 1st Perry struck Jack's trail five miles east of Applegate's, and at half-past ten he was surrounded. He came cautiously out of his hiding-place, glanced uneasily about him for a moment, then assuming a confident air, went forward to meet Perry and the officers present with him, Trimble, Miller, and De Witt, with whom he shook hands. He apologized for being captured by saying "his legs had given out."[91] The troops were all called in, and the world was allowed to know and rejoice over the surrender of this redoubtable chieftain to a military force of 985 regulars and 71 Indian allies.

The number of Jack's warriors at the outset was estimated to be sixty. By the addition of the Hot Creek band he acquired about twenty more. When the Modocs surrendered there were fifty fighting men and boys, over fifty women, and more than sixty children. The loss on the side of the army was one hundred in killed and wounded; forty-one being killed, of whom seven were commissioned officers. Adding the number of citizens killed, and the peace commissioners, the list of killed reached sixty-three, besides two Indian allies, making sixty-five killed, and sixty-three wounded, of whom some died. Thus the actual loss of the army was at least equal to the loss of the Modocs, leaving out the wounded; and the number of white persons killed more than double.[92]

Now that Captain Jack was no more to be feared, a feeling of professional pride caused the army to make much of the man who with one small company armed with rifles had baffled and defeated a whole regiment of trained soldiers with all the appliances of modern warfare. But there was nothing in the ap-

[90] Henry Applegate, son, and Charles Putnam, grandson, of Jesse Applegate, were the guides who led Perry to Jack's last retreat.

[91] *Annual Rept of Jeff. C. Davis*, 1873.

[92] The *Yreka Union* of May 17, 1873, makes the number of killed 71, and wounded 67.

pearance of Jack to indicate the military genius that was there. He was rather small, weighing about 145 pounds, with small hands and feet, and thin arms. His face was round, and his forehead low and square. His expression was serious, almost morose, his eyes black, sharp, and watchful, indicating cunning, caution, and a determined will. His age was thirty-six, and he looked even younger. Clad in soiled cavalry pantaloons and dark calico shirt, his bushy, unkempt hair cut square across his forehead, reclining negligently on his elbow on the ground, with a pipe between his teeth, from which smoke was seldom seen to issue, his face motionless but for the darting of his watchful eyes, he looked almost like any other savage.[98]

As to the manner in which the war was protracted, the cause is apparent. Had Wheaton been permitted to build his mortar-boats, he would have shelled the Modocs out of their caves as easily as did Gillem, and it being winter, they would have had to surrender. The peace commission intervened, the Modocs were permitted to go where they would, and to carry all the plans of the campaign to the stronghold to study how to defeat them. The cutting-off of Thomas' command could only have happened through a knowledge of the intended reconnoissance. Davis' plan was to occupy the lava-beds as the Modocs had, which was a wise one, for as soon as they were prevented from returning, it was only a matter of a few days' scouting to run them down.

There remains little to be told of the Modoc story. The remainder of the band was soon captured. Owing to the alarm felt after the massacre of the peace

[98] Many laudatory descriptions of Jack appeared in print. See *S. F. Call*, June 7, 1873; *Portland Oregonian*, June 3, 1873; *Red Bluff Sentinel*, July 5, 1873. Sconchin was even more striking in appearance, with a higher frontal brain, and a sensitive face, showing in its changing expression that he noted and felt all that was passing about him. Had he not been deeply wrinkled, though not over 45 years old, his countenance would have been rather pleasing. Scarface, Jack's high counsellor, was an ill-looking savage; and as for the others who were tried for murder, they were simply expressionless and absolutely indifferent.

commissioners and subsequent escape of the Indians from the lava-beds, a battalion of three companies of volunteers was organized by authority of Governor Grover to keep open the road from Jacksonville to Linkville, and to carry to the settlers in the Klamath basin some arms and ammunition issued a month previous, in anticipation of the failure of the peace commission, and which were stored at Jenny Creek, on the road to Linkville; and Ross had his headquarters in Langell Valley.

Owing to the alarm of the settlers in Chewaucan, Silver Lake, and Goose Lake valleys, Hizer's company had marched out on the Goose Lake road, where they were met by a company of fifty men from that region under Mulholland, coming in for arms and ammunition. These, after being supplied, turned back, and Hizer's company, reëntering Langell Valley just as Green's squadrons were scouting for Jack, joined in the chase, and after Green had returned to camp on the night of June 3d, captured twelve Modocs, among whom were two of the most noted braves of the band. Ross sent a telegram to Grover, who ordered him to deliver them to the sheriff of Jackson county, and to turn over the others to General Wheaton.

But news of the capture being conveyed to headquarters at Clear Lake, an escort was sent to overtake the prisoners at Linkville and bring them back, Lindsay of the volunteers surrendering them to the United States officer under protest, upon being assured that Davis intended hanging those convicted of murder. Such, indeed, was his design, having sent to Linkville for witnesses, among whom were the women of the Boddy family.[94] Before the time ar-

[94] Hooker Jim and Steamboat Frank admitted being of the party who killed and robbed this family, relating some of the incidents, on hearing which the two women lost all control of themselves, and with a passionate burst of tears and rage commingled, dashed at Hooker and Steamboat, one with a pistol and the other with a knife. Davis interposed and secured the weapons, receiving a slight cut on one of his hands. During this exciting passage both the Indians stood like statues, without uttering a word. *S. F. Call*, June 9, 1873.

rived which had been set for the execution, Davis received such instructions from Washington as arrested the consummation of the design.

This interference of the government, or, as it was understood, of the secretary of the interior, so exasperated certain persons whose identity was never discovered,[95] that when seventeen Modoc prisoners were en route to Boyle's camp at Lost River ford, in charge of Fairchild, they were attacked and four of them killed. The despatch which arrested the preparations of Davis proposed to submit the fate of the Modocs to the decision of the war office, Sherman giving it as his opinion that some of them should be tried by court-martial and shot, others delivered over to the civil authorities, and the remainder dispersed among other tribes. This was a sort of compromise with the peace-commission advocates, who were still afraid the Modocs would be harmed by the settlers of the Pacific frontier. So strong was the spirit of accusation against the people of the west, and their dealings with Indians, that it brought out a letter from Sherman, in which he said: "These people are the same kind that settled Ohio, Indiana, and Iowa; they are as good as we, and were we in their stead we should act just as they do. I know it, because I have been one of them."

The whole army in the field protested against delay and red tape,[96] but the Modoc apologists had their way.

[95] Yreka reports charged this act upon the Oregon volunteers, though they were not within 8 miles of the massacre. Two men only were concerned. A. B. Meacham offered his aid to the secret service department to find the assassins. *H. Ex. Doc.*, 122, 327, 43d cong. 1st sess.

[96] 'I have no doubt of the propriety and the necessity of executing them on the spot, at once. I had no doubt of my authority, as department commander in the field, to thus execute a band of outlaws, robbers, and murderers like these, under the circumstances. Your despatch indicates a long delay of the cases of these red devils, which I regret. Delay will destroy the moral effect which their prompt execution would have upon other tribes, as also the inspiring effect upon the troops.' Telegram, dated June 5th, in *H. Ex. Doc.*, 122, p. 87, 43d cong. 1st sess. Davis referred here to the desire of the troops to avenge the slaughter of Canby and Thomas' command—a desire which had animated them to endure the three days' fight in the lava-beds, and the eleven days' constant scouting. *Portland Oregonian*, June 7, 1873.

After wearisome argument and a decision by Attorney-general Williams,[97] a military commission was ordered for the trial of "Captain Jack and such other Indian captives as may be properly brought before it." Those who might be properly tried were named by the war department as the assassins of Canby, Thomas, and Sherwood, and "no other cases whatever," notwithstanding Grover had telegraphed to the department to turn over to the state of Oregon the slayers of her citizens, whom the government refused to try, or allow to be tried, thus saying in effect that the victims had deserved their fate. At the same time a petition was addressed to Secretary Delano, by E. Steele, William H. Morgan, John A. Fairchild, and H. W. Atwell, asking that Scarface Charley, Hooker Jim, Bogus Charley, Steamboat Frank, Shacknasty Jim, and Miller's Charley should be permitted to remain in Siskiyou county, where it was proposed to employ them on a farm near Yreka. Delano was constantly in receipt of letters in behalf of the Modocs.

On the 14th of June the Modocs, 150 in number, were removed to Fort Klamath, and imprisoned in a stockade, after which a large force of cavalry, under Green, and of infantry, under Mason, made a march of 600 miles through eastern Oregon and Washington to overawe those tribes rendered restless and threatening by the unparalleled successes of the Modocs. On the 30th of June, in obedience to instructions from Washington, Davis[98] appointed a military com-

[97] *H. Ex. Doc.*, 122, 88–90, 43d cong. 1st sess.; *S. F. Call*, June 9, 1873; *N. Y. Tribune*, in *Oregonian*, June, 1873; *N. Y. Herald*, June 22, 1873.

[98] Davis died Nov. 30, 1879. He was born in Ind., and appointed from that state to West Point; commissioned 2d lieut 1st artillery June 17, 1848; 1st lieut Feb. 29, 1852; captain May 14, 1861; colonel 22d Ind. vols Aug. 15, 1861; brig.-gen. vols Dec. 18, 1861; brevet maj. March 9, 1862, for gallant and meritorious services at the battle of Pea Ridge, Ark.; brevet lieut-col May 15, 1864, for gallant and meritorious conduct in the battle of Resaca, Ga; brevet col May 20, 1864, for gallant and meritorious services in the capture of Rome, Ga; brevet maj.-gen. of vols Aug. 8, 1864; brevet brig.-gen. March 13, 1865, for gallant and meritorious conduct in the battle of Kenesaw mountain, Ga; brevet maj.-gen. for services in the battle of Jonesborough, Ga; and colonel of the 23d infantry July 28, 1866. He came to the Pacific coast as commander of the department of Alaska, and was afterwards assigned to the department of Oregon. *Hamersly's Army Reg. for One Hundred Years*, 1779–1879.

mission, consisting of Colonel Elliott, captains Mendenhall, Hasbrouck, and Pollock, and Lieutenant Kingsbury. Major Curtis was appointed judge-advocate. The trial began on the 5th of July. The witnesses for the prosecution were Meacham, Dyar, Eldery, Anderson, four of the Modocs who had turned state's evidence, and the interpreters. Jack made use of his witnesses only to try to fix the blame of collusion upon the Klamaths. Three of his witnesses alleged that the Klamaths assisted them, and that Allen David had sent them messages advising them to hostilities; but this, whether true or false, did not affect their case. When he came to address the commission, he said that he had never done anything wrong before killing General Canby. Nobody had ever said anything against him except the Klamaths. He had always taken the advice of good men in Yreka. He had never opposed the settlement of the country by white people; on the contrary, he liked to have them there. Jackson, he said, came to Lost River and began firing when he only expected a talk; and that even then he ran off without fighting. He went to the lava-beds, not intending to fight, and did not know that the settlers were killed until Hooker Jim told him. He denied that Canby's murder was concerted in his tent, accusing those whom General Davis had employed as scouts. If he could, he would have denied killing Canby, as in his last speech he did, saying it was Shacknasty Jim who killed him.

Only six of the Modocs were tried, and four were hanged, namely, Jack, Sconchin, Black Jim, and Boston Charley. Jack asked for more time, and said that Scarface, who was a relative, and a worse man than he, ought to die in his stead. Sconchin made some requests concerning the care of his children, and said, although he did not wish to die, he would suppose the judge had decided rightly. Black Jim sarcastically remarked that he did not boast of his good heart, but of his valor in war. He did not try

to drag others in, as Jack had done, he said, and spoke but little in his own defence. If it was decided that he was to die, he could die like a man. Boston Charley was coolly indifferent, and affected to despise the others for showing any feeling. "I am no half woman," he proclaimed. "I killed General Canby, assisted by Steamboat Frank and Bogus Charley."

On the 3d of October the tragedy culminated, and the four dusky souls were sent to their happy hunting-ground, nevermore to be molested by white men.[99] By an order from the war department, the remainder of the band were removed to Fort D. A. Russell in Wyoming, and subsequently to Fort McPherson in Nebraska, and lastly to the Quapaw agency in the Indian Territory; but the lava-beds, which can never be removed or changed, will ever be inseparably connected in men's minds with Captain Jack and the Modocs in their brave and stubborn fight for their native land and liberty—a war in some respects the most remarkable that ever occurred in the history of aboriginal extermination.

[99] *H. Ex. Doc.*, 122, 290–328, 43d cong. 1st sess.; *S. F. Cal.*, Oct. 4, 1873; *Red Bluff Sentinel*, Oct. 11, 1873; *S. F. Bulletin*, Oct. 4, 13, 20, 1873.

CHAPTER XXIII.

POLITICAL, INDUSTRIAL, AND INSTITUTIONAL.

1862-1887.

REPUBLICAN LOYALTY—LEGISLATURE OF 1862—LEGAL-TENDER AND SPECIFIC CONTRACT—PUBLIC BUILDINGS—SURVEYS AND BOUNDARIES—MILITARY ROAD—SWAMP AND AGRICULTURAL LANDS—CIVIL CODE—THE NEGRO QUESTION—LATER LEGISLATION—GOVERNORS GIBBS, WOODS, GROVER, CHADWICK, THAYER, AND MOODY—MEMBERS OF CONGRESS.

ON the 9th of April, 1862, the republicans of Oregon met in convention, and adopting union principles as the test of fitness for office, nominated John R. McBride for representative to congress; Addison C. Gibbs for governor; Samuel E. May for secretary of state; E. N. Cooke, treasurer; Harvey Gordon, state printer;[1] E. D. Shattuck,[2] S. C. judge from 4th judicial

[1] Harvey Gordon was a native of Ohio, and a surveyor. He first engaged in politics in 1860, when he associated himself with the *Statesman*, to which he gave, though a democrat, a decidedly loyal tone. He died of consumption, at Yoncalla, a few months after his election, much regretted. *Sac. Union*, July 1863.

[2] I have mentioned Shattuck in connection with the Pacific University. He was born in Bakersfield, Dec. 31, 1824, and received a classical education at Burlington. After graduating in 1848, he taught in various seminaries until 1851, when he began to read law, and was admitted to the bar in New York city in Nov. 1852. Thence he proceeded to Oregon in Feb. 1853, teaching 2 years in the Pacific University. In 1856 he was elected probate judge in Washington co., in 1857 was a member of the constitutional convention, and soon after formed a law partnership with David Logan; was a member of the legislature in 1858, and held numerous positions of honor and trust from time to time. He was elected judge in 1862, and held the office five years; was again elected judge in 1874, and held until 1878. He received a flattering vote for supreme judge and U. S. senator. In every position Shattuck has been a modest, earnest, and pure man. His home was in Portland. *Representative Men of Or.*, 158.

W. Carey Johnson was born in Ross co., Ohio, Oct. 27, 1833, and came to Oregon with his father, Hezekiah, in 1845. After learning printing he studied law, and was admitted to practice in 1855. He was elected prosecuting attor-

district; W. Carey Johnson, prosecuting attorney of the same; Joseph G. Wilson, prosecuting attorney for the 3d judicial district, Andrew J. Thayer for the 2d, and J. F. Gazley for the 4th.

The nominees of the anti-administration party were A. E. Wait, who resigned his place upon the bench to run for congressman; John F. Miller for governor; George T. Vining for secretary of state; J. B. Greer, state treasurer; A. Noltner, state printer; W. W. Page, judge from the 4th judicial district; prosecuting attorney of that district, W. L. McEwan.

The majority for all the principal union candidates was over 3,000, with a corresponding majority for the lesser ones.[3] Gibbs was installed September 10th at the methodist church in Salem, in the presence of the legislative assembly.[4] By act of June 2, 1859, the official term of the governor began on the second Monday of September 1863, and every four years thereafter. This, being the day fixed for the meeting of the legislature, did not allow time for the graceful

ney of Oregon City in 1858, city recorder in 1858, and prosecuting attorney for the 4th district in 1862. In 1865–6 he held the position of special attorney under Caleb Cushing to investigate and settle the Hudson's Bay Co.'s claims. In 1866 he was elected state senator, and in 1882 ran for U. S. senator. He resided in Oregon City, where he practised law. His wife was Josephine, daughter of J. F. Devore.

[3] *Gibbs' Notes on Or. Hist.*, MS., 19; *Tribune Almanac*, 1863, 57; *Or. Argus*, June 14, 1862; *Or. Statesman*, June 23, 1863.

[4] House: Jackson, Lindsey Applegate, S. D. Van Dyke; Josephine, J. D. Fay; Douglas, R. Mallory, James Watson; Umpqua, W. H. Wilson; Coos and Curry, Archibald Stevenson; Lane, V. S. McClure, A. A. Hemenway, M. Wilkins; Benton, A. M. Witham, C. P. Blair; Linn, H. M. Brown, John Smith, Wm M. McCoy, A. A. McCally; Marion, I. R. Moores, Joseph Engle, C. A. Reed, John Minto; Polk, B. Simpson, G. W. Richardson; Yamhill, Joel Palmer, John Cummins; Washington, Ralph Wilcox; Washington and Columbia, E. W. Conyers; Clackamas, F. A. Collard, M. Ramsby, T. Kearns; Multnomah, A. J. Dufur, P. Wasserman; Clatsop and Tillamook, P. W. Gillette; Wasco, O. Humason; speaker, Joel Palmer; clerks, S. T. Church, Henry Cummins, Paul Crandell; sergeant-at-arms, H. B. Parker; door-keeper, Joseph Myers.

Senate: Jackson, J. Wagner; Josephine, D. S. Holton; Douglas, S. Fitzhugh; Umpqua, Coos, and Curry, J. W. Drew; Lane, James Munroe, C. E. Chrisman; Benton, A. G. Hovey; Linn, B. Curl, D. W. Ballard; Marion, John W. Grim, William Greenwood; Polk, William Taylor; Yamhill, John R. McBride; Clackamas and Wasco, J. K. Kelly; Multnomah, J. H. Mitchell; Washington, Columbia, Clatsop, and Tillamook, W. Bowlby; president, W. Bowlby; clerks, S. A. Clarke, W. B. Daniels, Wiley Chapman; sergeant-at-arms, R. A. Barker; door-keeper, D. M. Fields.

retirement of one executive before the other came into office. Whiteaker took notice of this fault in legislation, by reminding the representatives, in his biennial message, that should it ever happen that there should not be present a quorum, or from any cause the organization of both branches of the legislature should fail to be perfected on the day fixed by law, the legislature could not count the vote for governor and declare the election, and that consequently the new governor could not be inaugurated. This, he said, would open the question as to whether the governor elect could qualify at some future day. This palpable hint was disregarded. The second Monday in September fell on the 8th, the organization was not completed until the 9th, and the inauguration followed on the 10th, no one raising a doubt of the legality of the proceedings. On the 11th, nominations were made in joint convention to elect a successor to Stark, whose senatorial term would soon expire, and Benjamin F. Harding of Marion county was chosen.[5]

[5] The nominations made were B. F. Harding, George H. Williams, E. L. Applegate, O. Jacobs, Thos H. Pearne, R. F. Maury, J. H. Wilbur, A. Holbrook, H. L. Preston, W. T. Mattock, H. W. Corbett, and John Whiteaker. Says Deady: 'Benjamin F. Harding, or, as we commonly call him, Ben. Harding, is about 40 years of age, and a lawyer by profession. He was born in eastern Pennsylvania, where he grew up to man's estate, when he drifted out west, and after a brief sojourn in those parts, came to Oregon in the summer of 1850, and settled near Salem, where he has ever since resided. He was secretary of the territory some years, and has been a member of both state and territorial legislatures. He was in the assembly that elected Nesmith and Baker, and was principal operator in the manipulations that produced that result. He is descended from good old federal ancestors, and of course is down on this rebellion and the next one on general principles. Following the example of his household, he grew up a whig, but entering the political field first in Oregon, where at that time democracy was much in vogue, he took that side, and stuck to it moderately until the general dissolution in 1860. He left the state just before the presidential election, and did not vote. If he had, although rated as a Douglas democrat, the probability is he would have voted for Lincoln. He is devoid of all ostentation or special accomplishment, but has a big head, full of hard common sense, and much of the rare gift of keeping cool and holding his tongue. He is of excellent habits, is thrifty, industrious, and never forgets No. 1. In allusion to his reputed power of underground scheming and management among his cronies, he has long been known as "Subterranean Ben."' Thomas H. Pearne, one of the aspirants for the senatorial position, preacher, and editor of the *Pacific Christian Advocate*, had, as could be expected, a large following of the methodist church, which was a power, and the friendship of Governor Gibbs, who was himself a methodist. But he had no peculiar fitness for the place, and received much ridicule from friends of Harding.

Strong union sentiments prevailing, disloyalty to the federal government in any form was out of fashion. None but the loyal could draw money from the state treasury. But the most stringent test was the passage of an act compelling the acceptance of United States notes in payment of debts and taxes, as well as an act providing for the payment of the direct tax levied by act of congress in August 1861,[6] amounting to over $35,000, seven eighths of the annual revenue of the state.[7]

The legal-tender question was one that occasioned much discussion, some important suits at law, and considerable disturbance of the business of the Pacific coast. The first impulse of a loyal man was to declare his willingness to take the notes of the government at par, and in Oregon many so declared themselves. The citizens of The Dalles held a meeting and pledged themselves to trade only with persons "patriotic enough to take the faith of the government at par." The treasurer of Marion county refused to receive legal-tenders at all for taxes; while Linn received them for county but rejected them for state tax; Clackamas received them for both state and county tax; and Columbia at first received and then rejected them.[8] The state treasurer refused to receipt for legal-tenders, which subjected the counties to a forfeiture of twenty per cent if the coin was not paid within a certain time. In 1863, when greenbacks were worth forty cents on a dollar, Jackson, Josephine, Douglas, Lane, Benton,

[6] The internal revenue law took effect in August 1862. Lawrence W. Coe of The Dalles was appointed collector, and Thomas Frazier assessor. W. S. Matlock was appointed U. S. depositary for Oregon to procure U. S. revenue stamps. *Or. Statesman*, Aug. 11 and Nov. 3, 1862.

[7] According to the message of Gov. Whiteaker, there were $40,314.66 in the treasury on the 7th of Sept., 1862. To draw the entire amount due the U. S. on the levy would leave a sum insufficient to carry on the state govt, therefore $10,000 was ordered to be paid at any time when called for, and the remaining $25,000 any time after the 1st of March, 1863; and the treasurer should pay the whole amount appropriated in coin. *Or. Statesman*, Oct. 27, 1862.

[8] *S. F. Bulletin*, Dec. 18, 1862; *S. F. Alta*, Nov. 18, 1862; *Or. Argus*, Dec. 6, 1862; *Or. Statesman*, Dec. 22, 1862; *Or. Gen. Laws*, 92.

and Clatsop tendered their state tax in this currency, which the state treasurer refused to receive. These counties did not pay their taxes.

It was contended by some that the constitution of Oregon prohibited the circulation of paper money. It did, in fact, declare that the legislative assembly should not have power to establish or incorporate any bank; and forbade any bank or company to exist in the state with the privilege of making, issuing, or putting into circulation any notes or papers to circulate as money. Such a conflict of opinions could not but disturb business.[9]

In an action between Lane county and the state of

[9] Place avarice and patriotism in opposition among the masses, and the latter is sure in time to give way. Throughout all, California held steadily, and loyally withal, to a metallic currency. Business was done upon honor; but there were those both in California and Oregon who, if patriotic on no other occasions, took advantage of the law to pay debts contracted at gold prices with greenbacks purchased for 40 or 90 cents on a dollar with coin. After much discussing and experimenting, Oregon finally followed the example of California. In California and Oregon no public banks had ever existed, all being owned by private individuals, being simply banks of deposit, where the proprietors loaned their own capital, and, to a certain extent, that of their depositors. They issued no bills, and banked alone upon gold or its equivalent. They therefore refused to receive greenbacks on general deposit; and these notes were thrown upon the market to be bought and sold at their value estimated in gold, exactly reversing the money operations of the east. In New York gold was purchased at a premium with greenbacks; in California and Oregon greenbacks were purchased at a discount with gold; in New York paper money was bankable, and gold was not offered, being withdrawn from circulation; in San Francisco and Portland gold only was bankable, and paper money was offered in trade at current rates, and not desired except by those who had bills to pay in New York. In Jan. 1863 the bankers and business men of Portland met and agreed to receive legal-tenders at the rates current in San Francisco, as published from time to time in the daily papers of Portland by Ladd and Tilton, bankers. The merchants of Salem soon followed; then those of The Dalles. Finally the merchants published a black-list containing the names of those who paid debts in legal tenders, to be circulated among business men for their information. *Or. Statesman*, Jan. 5, 1863; *Portland Oregonian*, Aug. 30, 1864; and bills of goods were headed 'Payable in U. S. gold coin.' These methods protected merchants in general, but did not keep the subject out of the courts. Able arguments were advanced by leading lawyers to prove that the treasury notes were not money, as the constitution gave no authority for the issuance of any but gold and silver coin. To these arguments were opposed others, equally able, that the government had express power to coin money, and that money might be of any material which might be deemed most fit, as the word 'money' did not necessarily mean gold, silver, or any metal. James Lick vs William Faulkner and others, in *Or. Statesman*, Dec. 29, 1862. The supreme court of California held that legal-tenders were lawful money, but that it did not follow that every kind of lawful money could be tendered in the payment of every obligation. *Portland Oregonian*, Aug. 30, 1864.

Oregon, the court, Judge Boise presiding, held that the act of congress authorizing the issue of treasury notes did not make them a legal tender for state taxes, and did not affect the law of the state requiring state taxes to be paid in coin. In another action between private parties, the question being on the power of congress to make paper a legal tender, the court ruled in favor of congress. On the other hand, it was decided by Judge Stratton that the law of congress of February 25, 1862, was unconstitutional. This law made treasury notes a legal tender for all debts, dues, and demands, which included the salaries of judges, which were paid from the state treasury. Hence, it was said, came the decision of a supreme judge of Oregon against the power of congress.

Turn and twist the subject as they would, the currency question never could be made to adjust itself to the convenience and profit of all; because it was a war measure, and to many meant present self-sacrifice and loss. For instance, when greenbacks were worth no more than thirty or forty cents on the dollar in the dark days of the spring of 1863, federal officers in California and Oregon were compelled to accept them at par from the government, and to pay for everything bought on the Pacific coast at gold prices, greatly advanced by the eastern inflation. The merchants, however, profited largely by the exchange and the advanced prices; selling for gold and buying with greenbacks, having to some extent and for a time the benefit of the difference between gold and legal tenders. To prevent those who contended for the constitutionality of the act of congress from contesting cases in court, California passed a specific contract law providing for the payment of debts in the kind of money or property specified in the contract, thus practically repudiating paper currency. But it quieted the consciences of really loyal people, who were unwilling to seem to be arrayed against the govern-

ment, and yet were opposed to the introduction of paper currency of a fluctuating value.[10]

The Oregon legislature of 1864 followed the example of California, and passed a specific-contract law. No money should be received in satisfaction of a judgment other than the kind specified in such judgment; and gold and silver coins of the United States, to the respective amounts for which they were legal tenders, should be received at their nominal values in payment of every judgment, decree, or execution. A law was enacted at a special session of the legislature in 1865, called to consider the thirteenth amendment to the constitution of the United States, making all state, county, school, and military taxes payable in the current gold and silver coin of the government, except where county orders were offered for county taxes. This law removed every impediment to the exclusive use of coin which could be removed under the laws of congress, and was in accordance with the popular will, which adhered to a metallic currency.

By the constitution of Oregon, requiring that at the first regular session of the legislature after its adoption a law should be enacted submitting the question of the location of the seat of government to the vote of the people, the assembly of 1860 had passed an act calling for this vote at the election of 1862.[11] The constitution declared that there must be a majority of all the votes cast, and owing to the fact that almost every town in the state received some votes, there was no majority at this election; but at the election of 1864 Salem received seventy-nine over all the votes cast upon the location of the capital, and was officially declared the seat of government. As the constitution declared that no tax should be levied, or money of the state expended, or

[10] See opinion of the supreme court of Cal. on the specific-contract act, in *Portland Oregonian*, Aug. 20 and Sept. 2, 1864; *Or. Statesman*, July 22, 1864; *S. F. Alta*, Jan. 29, 1868.

[11] *Or. Gen. Laws*, 94; *Or. Laws*, 1860, 68-9.

debt contracted, for the erection of a state-house prior to the year 1865, this decision of the long-vexed question of the location of the capital was timely. Ten entire sections of land had been granted to the state on its admission to the union, the proceeds of which were to be devoted to the completion of the public buildings, or the erection of others at the seat of government; said lands to be selected by the governor, and the proceeds expended under the direction of the legislature. Owing to the obstacles in the way of locating the public lands, the public-buildings fund, intended to be derived therefrom, had not yet begun to accumulate in 1864, nor was it until 1872 that the legislature appropriated the sum of $100,000 for the erection of a capitol. It will be remembered that the penitentiary building at Portland had from the first been unnecessarily expensive, and ill-adapted to its purpose, and that the state had leased the institution for five years from the 4th of June, 1859, to Robert Newell and L. N. English.[12]

Governor Gibbs, in a special message to the legislature of 1862, proposed a radical change in the management of the penitentiary.[13] He suggested that

[12] Leven N. English, born near Baltimore, in March 1792, removed when a child to Ky. He was a volunteer in the war of 1812, taking part in several battles. On the restoration of peace he removed to Ill., then a wilderness, where the Black Hawk war again called upon him to volunteer, this time as capt. of a company. In 1836 he went to Iowa, where he erected a flouring mill; and in 1845 he came to Oregon, settling near Salem. English's Mills of that place were erected in 1846. On the breaking-out of the Cayuse war, English and two of his sons volunteered. He had 12 children by his first wife, who died in 1851. By a second wife he had 7. He died March 5, 1875. *San José Pioneer*, Sept. 2, 1877; *Trans. Or. Pioneer Asso.*, 1875-6.

[13] As it was the practice of the lessees of the penitentiary to work the convicts outside of the enclosure, the most desperate and deserving of punishment often found means of escape. Twenty-five prisoners had escaped, twelve had been pardoned in the last two years of Whiteaker's administration, and five had finished the terms for which they were sentenced, leaving twenty-five still in confinement. The crimes of which men had been convicted and incarcerated in the penitentiary since 1853 were, arson 1, assault with intent to kill 15, assault with intent to commit rape 1, rape 1, assisting prisoners to escape 3, burglary 8, forgery 3, larceny 58, murder 1, murder in the second degree 12, manslaughter 6, perjury 1, receiving stolen goods 1, riot 1, robbery 3, threat to extort money 1, not certified 7—123, making an average of 13⅔ commitments annually during a period of 9 years. For the period from Sept. 1862 to Sept. 1864 there was a marked increase of crime, consequent upon the immigration from the southern states of many of the criminal classes, who thus avoided the

the working of convicts away from the prison grounds should be prohibited, and a system of manufactures introduced, beginning with the making of brick for the public buildings; and advised the selection of several acres of ground at the capital, and the erection of temporary buildings for the accommodation of the convicts. The legislature passed an act making the governor superintendent of the penitentiary, with authority to manage the institution according to his best judgment. Under the new system the expenses of the state prison for two years, from November 1, 1862, to September 1, 1864, amounted to $25,000, about $16,000 of which was earned by the convicts.[14] As soon as the seat of government was fixed, the legislature created a board of commissioners for the location of lands for the penitentiary and insane asylum, of which board the governor was chairman; and who proceeded to select 147 acres near the eastern limits of the town, having a good water-power, and being in all respects highly eligible.[15] At this place were constructed temporary buildings, as suggested by Governor Gibbs, and during his administration the prisoners were removed from Portland to Salem. Under his successor still further improvements were made in the condition and for the security of the prisoners, but it was not until 1871 that the erection of the present fine structure was begun. It was finished in 1872, at a cost of $160,000.[16]

draft. In these 2 years 33 convicts were sent to the penitentiary, 12 for larceny, 5 intent to kill, 4 burglary, 3 murder in the 1st degree, 2 manslaughter, 1 rape, 1 seduction, 1 arson, 1 receiving stolen goods. The county of Wasco furnished just ⅓ of these criminals, showing the direction of the drift. *Or. Journal House*, 1864, ap. 35–53.

[14] The warden who, directed by the governor, produced these satisfactory results was A. C. K. Shaw, who, by the consent of the legislature, was subsequently appointed superintendent by the governor.

[15] The land was purchased of Morgan L. Savage, at $45 per acre, and the water-power of the Willamette Woolen Manufacturing Company for $2,000. George H. Atkinson was employed to visit some of the western states, and to visit the prisons for the purpose of observing the best methods of building, and laying out the grounds, with the arrangement of industries, and all matters pertaining to the most approved modern penitentiaries. *Or. Jour. House*, 1865, ap. 7–12.

[16] *Gibbs' Notes on Or. Hist.*, MS., 20–22; *Or. Code*, 1862, ap. 71–3; *Or. Laws*, 1866, 95–8; *Or. Legis. Docs*, 1868, 7–10, 14; *U. S. Educ. Rept*, 548–57, 41st cong. 3d sess. See description in *Murphy's Oregon Directory*, 1873, 197–8.

Previous to 1862 no proper provision had been made for the care of the insane. The legislature invested Governor Gibbs with authority to select land for the erection of an asylum at Salem, and to contract for the safe-keeping and care of the patients; but the state not yet being able to appropriate money for suitable buildings, the contract was let to J. C. Hawthorne and A. M. Loryea, who established a private asylum at East Portland, where, until a recent date, all of these unfortunates were treated for their mental ailments.[17] It was not until about 1883 that the state asylum, a fine structure, was completed.

The legislature of 1862 passed an act for the location of the lands donated to the state, amounting in all to nearly 700,000 acres, besides the swamp-lands donated by congress March 12, 1860, and Governor Gibbs was appointed commissioner for the state to locate all lands to which the state was entitled, and to designate for what purposes they should be applied.[18]

A similar act had been passed in 1860, empowering Governor Whiteaker to select the lands and salt springs granted by act of admission, by the donation act of 1850 for university purposes, and by the act of March 12, 1860, donating swamp and overflowed lands to the state, which the failure of the commissioner of the general land-office to send instructions had rendered inoperative. The legislature of 1860 had also provided for the possessory and preëmptory rights of the 500,000 acres donated to the state, by which any person,

[17] In 1860 the insane in Oregon were twenty-three in number, or a per cent of 0.438; in 1864 there were fifty-one patients in the asylum from a population of 80,000, giving a per cent of 0.638. The percentage of cures was 32.50. *Or. Jour. House*, 1862, ap. 49; *Or. Jour. House*, 1864, ap. 7–8. In Sept. 1870 the asylum contained 122 persons, 87 males and 35 females. Of the whole number admitted in 1870–2, over 42 per cent recovered, and 7 per cent died. The building and grounds there were not of a character or extent to meet the requirements of the continually increasing number of patients. Governor's message, in *Portland Oregonian*, Sept. 13, 1866; *Nash's Or.*, 149; *Or. Insane Asylum Rept*, 1872; *Portland West Shore*, March 1880. The number of patients in 1878 was 233, of whom 166 were males. *Rept of C. C. Strong, Visiting Physician*, 1878, 6.

[18] *Or. Code*, 1862, 105–7; *Zabriskie's Land Law*, 659–63.

being a citizen, or having declared his intention of becoming such, might be entitled to, with the right to preëmpt, any portion of this grant, in tracts not less than 40 nor more than 320 acres, by having it surveyed by a county surveyor; the claimants to pay interest at the rate of ten per cent per annum upon the purchase money, at the rate of $1.25 an acre, the fund accruing to be used for school purposes. Whenever the government survey should be made, the claimant might preëmpt at the general land-office, through the agency of a state locating agent. By this act the state was relieved of all expense in selecting these lands; but Governor Whiteaker gave it as his opinion that the act was in conflict with the laws of the United States, in so far as the state taxed the public lands, which opinion was sustained by the general land-office, as well as that the state could have no control over the lands intended to be granted until after their selection and approval at that office.[19] The act was accordingly repealed, after the selection of about 22,000 acres, and another passed, as above stated.

Much difficulty was experienced in finding enough good land subject to location to make up the amount to which the state was entitled for the benefit of common schools and the endowment of an agricultural college,[20] on account of the neglect of the government to have the lands surveyed, the surveys having been

[19] *Or. Jour. House*, 1862, ap. 27; *Or. Statesman*, Sept. 15, 1862.

[20] *Or. Code*, 1862, ap. 109–10. The U. S. law making grants to agricultural colleges apportioned the land in quantities equal to 30,000 acres for each senator and representative in congress to which the states were respectively entitled by the apportionment of 1860. By this rule Oregon was granted 90,000 acres. *Id.*, 60–4. The selections made previous to Gibbs' administration were taken in the Willamette and Umpqua valleys. To secure the full amount of desirable lands required much careful examination of the country. The agricultural-college grant was taken between 1862 and 1864 in the Klamath Valley, and a considerable portion of the common-school lands also. Eastern Oregon, in the valley of the Columbia, was also searched for good locations for the state. D. P. Thompson and George H. Belden were the principal surveyors engaged in making selections. Belden made a complete map of Oregon from the best authorities. Previous to this the maps were very imperfect, the best being one made by Preston, and the earliest by J. W. Trutch in 1855.

much impeded by Indian hostilities, and the high prices of labor consequent on gold discoveries. Upon the petition of the Oregon legislature, congress had extended the surveying laws to the country east of the Cascades, and preparations were making to extend the base line across the mountains east from the Willamette meridian, with a view to operations in the county of Wasco and the settlements of Umatilla, Walla Walla, John Day, and Des Chutes valleys.[21] But congress failed to make an appropriation for the purpose, contracts already taken were annulled, and little progress was made for two years, during which the squatter kept in advance of the surveys upon the most valuable lands. During the year ending June 30, 1860, the service was prosecuted along the Columbia River in the neighborhood of The Dalles, in the Umatilla Valley, and also in the Klamath country, near the California boundary, which was not yet established.

An act was passed by congress June 25, 1860, for the survey of the forty-sixth parallel so far as it constituted a boundary between Oregon and Washington, which work was not accomplished until 1864, although the length of the line was only about 100 miles, from the bend of the Columbia near Fort Walla Walla to Snake River near the mouth of the Grand Rond River.[22] There was much delay in procuring the ser-

[21] *Land Off. Rept*, 1858, 29–30.

[22] While this matter was under consideration in congress, it was proposed in the senate that a committee should inquire into the expediency of reuniting Washington to Oregon. *Sen. Misc. Doc.*, 11, 36th cong. 2d sess., a proposition which, so far as the Walla Walla Valley was concerned, would have been received with great favor by the state, the natural boundary of which is indicated by the Columbia and Snake rivers. This was the boundary fixed in the constitution of Oregon, from which congress had departed. A motion was made in the legislature to annex at several different times. See *Or. Jour. House*, 1865, 50–73; Memorial of Or. leg. in 1870, in *U. S. H. Misc. Doc.*, 23, i., 41st cong. 3d sess.; *Or. Laws*, 1870, 212–13; *Or. Jour. Sen.*, 1868; *U. S. Sen. Misc. Doc.*, 2[illegible] 42d cong. 3d sess.; *Salem Statesman*, Feb. 14, 1871; *Salem Mercury*, March 15, [illegible]1. As late as 1873 Senator Kelly introduced a bill to annex Walla Walla county to Oregon, so as to conform the boundary to that named in the constitutional convention. On the other hand, the people of Washington would have been unwilling to resign this choice region. The matter was revived in 1875–6, when a committee of the U. S. house rep.

vices of an astronomer and surveyor who would undertake this survey for the small amount appropriated, the country being exceedingly rough, and including the crossing of the Blue Mountains.[23] The contract was finally taken by Daniel G. Major late in 1864.[24]

By the time the northern boundary was completed, the mining settlements of eastern Oregon demanded the survey of the eastern boundary from that point near the mouth of the Owyhee where it leaves Snake River and continues directly south. The same necessity had long existed for the survey of the 42d parallel between California and Oregon, which was not begun till 1867, when congress made an appropriation for surveying the Oregon and Idaho boundaries as well, Major again taking the contract.[25] Owing to the continuous Indian wars in eastern Oregon, as late as 1867 it was necessary to have a military escort to protect the surveying parties and their supply trains; and it often happened that the forces could not be spared from the scouting and fighting which kept them actively employed. But in spite of these obstacles, in 1869 there had been surveyed of the public lands in Oregon 8,368,564 out of the 60,975,360 acres which the state contained; the surveyed portions covering the largest areas of good lands in the most accessible portions of the state; leaving at the same time many considerable bodies of equally

reported favorably to the rectification of the Oregon boundary, but the change was not made. *H. Misc. Doc.*, 23, 44th cong. 2d sess.; *Cong. Globe*, 1875–6, 300, 4710; *H. Com. Rept*, 764, 44th cong. 1st sess.

[23] The amount provided was $4,500. Sur.-gen. Pengra recommended J. W. Perrit Huntington, a Connecticut man, an immigrant of 1849. After a brief residence in Oregon City he settled in Polk county, farming and teaching school, but removing to Yoncalla subsequently, where he married Mary, a daughter of Charles Applegate, and where he followed farming and surveying. He was a man of ability, with some eccentricities of character. He was elected to the legislature in 1860, and was one of the most earnest of the republicans. In 1862 he was appointed superintendent of Indian affairs, and again by Andrew Johnson in 1867. He died at his home in Salem June 3, 1869. *Salem Unionist*, in *Roseburg Ensign*, June 12, 1869; *Deady's Scrap-Book*, 29.

[24] *Land Off. Rept*, 1864, 9; *Portland Oregonian*, Oct. 13, 1864.

[25] *Or. Jour. House*, 1864, 42; *Or. Argus*, June 22, 1863; *Land Off. Rept*, 1867, 113–14.

good land, which would at a later period be required for settlement.[26]

The first sale of public lands in Oregon by proclamation of the president took place in 1857. Only ten or eleven thousand acres were sold, netting the government little more than the expenses of surveying its lands in Oregon.[27] The homestead law of 1862 conferred benefits on actual settlers nearly equal to those of the donation law, though less in amount. The later arrivals in Oregon had only begun to avail themselves of its privileges, when the president again offered for sale, in October 1862, 400,000 acres, by which act the public lands were temporarily withdrawn from preëmption and homestead privileges, and preëmptors were forced to establish their claims and pay the price of their lands immediately in order to secure them against the danger of being sold at auction by the government. This was felt to be a hardship by many who had before the passage of the homestead law been glad to preëmpt, but who now were desirous of recalling their preëmption and claiming under the homestead act; especially as the more honest and industrious had put all their money into improvements, and could only meet the new demand by borrowing money at a high rate of interest. But as only about 13,500 acres were sold when offered,

[26] *Land Off. Rept*, 1869, 225. There were surveyed, up to June 1878, 21,127,862; there remaining of unsurveyed public lands and Indian reservations 39,849,498 acres. In the remainder was included the state swamp-lands, of which only a portion had been selected. *U. S. H. Ex. Doc.*, ix. 18, 45th cong. 3d sess. Of the surveyed lands, 139,597 acres were either sold or taken under the homestead or timber-culture acts from June 30, 1877, to July 1, 1878. *Ibid.*, 146–160. *Dept Agric. Rept*, 1874–5, 67; see also *Zabriskie's Public Land Laws of the United States*, containing instructions for obtaining lands, and laws and decisions concerning lands, where are to be found many descriptions of the country, with the resources of the Pacific states, collected from official reports. San Francisco, 1870. Compare *U. S. H. Ex. Doc.*, i. pt 4, vol. iv., pt i., 32–6, 156–60, 290–319, 452–8, 504–8, 41st cong. 3d sess.; *U. S. Sec. Int. Rept*, pt i., 44, 58, 268–76, 42d cong. 2d sess.; *U. S. H. Ex. Doc.*, 170, x., 42d cong. 2d sess.; *U. S. Sec. Int. Rept*, pt i. 11, 16–17, 226–37, 280–99, 313–14; *Salem Willamette Farmer*, Aug. 2, 1873; *Salem Unionist*, Dec. 17, 1866.

[27] The expenses of the year 1857, for surveying the public lands, were $11,746.66, and the returns from their sale, $13,233.82. *Land Off. Rept*, 1858, 43–9.

few claims could have lapsed to the government, even if their preëmptions were not paid up.

It is not surprising that during the public surveys certain individuals should seize the opportunity to secure to themselves large bodies of land by appearing to assume necessary enterprises which should only be undertaken by the government; and it might be questioned whether the legislature had a proper regard to the interests of the state in encouraging such enterprises. By an act of congress, approved July 2, 1864, there were granted to the state, to aid in the construction of a military wagon-road from Eugene City across the Cascade Mountains by the way of the middle fork of the Willamette, near Diamond peak, to the eastern boundary of the state, alternate sections of the public lands designated by odd numbers, for three sections in width, on each side of said road. When the legislature met, two months after the passage of this act, it granted to what called itself the Oregon Central Military Road Company all the lands and right of way already granted by congress, or that might be granted for that purpose; with no other provision than that the lands should be applied exclusively to the construction of the road, and that it should be and remain free to the U. S. government as a military and post road. It was, however, enacted that the land should be sold in quantities not exceeding thirty sections at one time, on the completion of ten continuous miles of road, the same to be accepted by the governor, the sales to be made from time to time until the road should be completed, which must be within five years, or, failing, the land unsold to revert to the United States.[28]

What first called up the idea was the report of Drew on his Owyhee reconnaissance in 1864, showing that a road might be made from Fort Klamath to the

[28] *Or. Jour. Sen.*, 1864; *Special Laws*, 36-7; *Jacksonville Sentinel*, May 3, 1864; *Zabriskie's Land Laws*, 636-7.

Owyhee mining country at no great expense, and passing through a region rich in grass, timber, minerals, and agricultural lands. The grant amounted to 1,920 acres for each mile of road built, less the lands already settled on. The distance was about 420 miles. Of this enormous grant, exceeding all granted to the state on its admission to the union by 150,000 acres, excepting the swamp-lands, whose extent was unknown, about one half, it was expected, would be available. At the minimum price of $1.25 an acre, the one half would amount to $1,008,000. Along the first twenty miles of the road, from Eugene City to the Cascade Mountains, the best lands were taken up; upon representing which to congress, other lands were granted in lieu of those already claimed, to be selected from the public lands. The law allowed a primary sale of thirty sections, or 19,200 acres, with which to begin the survey, which land was offered for sale in March 1865. With its own and the capital accruing from sales of land and stock, the company—consisting at first of seventeen incorporators[29]—pushed the road to the summit of the Cascade Mountains in the autumn of 1867. This was the most difficult and expensive portion of the work, and though by no means what a military road should be, was accepted by the governor. It was never much used, and was almost entirely superseded in 1868 by a wagon-road from Ashland to the Klamath Basin, by the old Scott and Applegate pass of the Cascades, discovered in 1846.

A few months after the act authorizing a road through their country, Huntington, superintendent of Indian affairs, succeeded in treating with the Klamath and Modoc tribes, and a portion of the Shoshones, by

[29] W. H. Hanchett, Martin Blanding, A. W. Patterson, J. G. Gray, E. F. Skinner, Joel Ware, D. M. Risdon, S. Ellsworth, J. B. Underwood, A. S. Patterson, T. Mulhollan, Harvey Small, A. S. Powers, J. L. Bromley, J. H. McClung, Henry Parsons, and B. J. Pengra. Their capital stock was first $30,000, but subsequently raised to $100,000; shares $250 each. For particulars, see *Pengra's Rept Or. Cent. Military Road*, a pamphlet of 63 pages, advertising the enterprise and giving a description of the country. *Eugene City Journal*, July 14, 21, 28, and Aug. 4, 11, 1866; *S. F. Bulletin*, Sept. 20, 1865.

which a reservation was set off, of a considerable extent of country between the point where any road crossing the mountains near Diamond peak must strike the plains at their eastern base and Warner's Mountain. The right of the government to lay out roads through the reservation was conceded by the Indians, but it was not in contemplation that the government should have the power to grant any of the reservation lands to any company constructing such a road; the treaty having been made before the company was formed. Nevertheless, as the survey of the reservation lands proceeded, which was urged forward to enable the company to secure its lands, the odd sections along the line of the military road where it crossed the reservation were approved to the state to the extent of over 93,000 acres. The Indians, or their agents, held, very properly, that their lands, secured to them by treaty previous to the survey of the military road, were not public lands from which the state or the company could select; and also that the state would have no right to violate the conditions of the treaty by bringing settlers within the limits of the reservation. By an act amendatory of the first act granting the lands to the state, congress indemnified the state, and through the state the company, by allowing the deficit to be made up from other odd sections not reserved or appropriated within six miles on each side of the road.[20] The Oregon Central Military Road Company, after doing what was necessary to secure their grant, and finding it inconvenient to be taxed as a private corporation on so large an amount of property that had never been made greatly productive, sold its lands to the Pacific Land Company of San Francisco, in 1873,

[20] *Ind. Aff. Rept*, 1874, 75; *Cong. Globe*, 1866–67, pt iii., app. 179, 39th cong. 2d sess. It would seem from the fact that in 1878–9 a bill was before congress asking for a float on public lands in exchange for those embraced within the reservation and claimed by the O. C. M. R. Co., that the bill of 1866 was not intended to indemnify for these lands, though the language is such as to lead to that understanding. The bill of 1878–9 did not pass; and if the first is not an indemnity bill, then the Indian lands are in jeopardy. S. F. Chadwick, in *Historical Correspondence*, MS.; *Ashland Tidings*, Feb. 14, 1879; *S. F. Bulletin*, July 11, 1872.

and thus this magnificent gift to the state passed with no adequate return into the hands of a foreign private corporation.

In the matter of the swamp-lands, nothing was done to secure them during a period of ten years,[31] it being held that the right to them had lapsed through neglect, and Gibbs having had enough to do to secure the other state lands. George L. Woods, who in 1866 succeeded Gibbs as governor, made some further selections for school purposes. Not all of his selections had been approved when, in 1870, L. F. Grover was elected governor. The agricultural-college lands which had been selected in the Klamath Lake basin had been declared not subject to private entry by the land-office at Roseburg, within which district the lands lay, and that office had refused to approve the selection. The Oregon delegation in congress procured the passage of an act confirming the selections already made by the state where the lists had been filed in the proper land-office, in all cases where they did not conflict with existing legal rights, and declaring that the remainder might be selected from any lands in the state subject to preëmption or entry under the laws of the United States; with the qualification that where the lands were of a price fixed by law at the double minimum of $2.50, such land should be counted as double the quantity towards satisfying the grant. This was followed by the establishment of another land-office, called the Linktor district, in the Klamath country, and the approval of the agricultural-college selections.[32] The internal improvement grant[33] was also fully se-

[31] The legislature in 1870 memorialized congress for an extension of time for locating the salt-lands grant. *Or. Jour. Sen.*, 1870, 211; *U. S. Misc. Doc.*, 20, i., 41st cong. 3d sess.; but it was permitted to lapse. *Message of Gov. Thayer*, 1882, 19.

[32] *Grover's Message*, 1872, p. 12–13; *Cong. Globe*, 1871–2, app. 702; *Zabriskie's Land Laws*, sup. 1877, 27, 73.

[33] See *Appendix to Governor's Message for 1872*, which contains the official correspondence on the confirmation of the state lands, and is an interesting document; also *Jacksonville Sentinel* from Oct. 14 to Dec. 9, 1871.

cured to the state during the administration of Governor Grover.

From the time when the swamp-land grant was supposed to have lapsed through neglect, as decided by Whiteaker, and apparently coincided in by his successors, up to August 1871, no attention was given to the subject. Grover, however, gave the matter close scrutiny, and discovered that the same act which required the state to select the swamp-lands then surveyed within two years from the adjournment of the legislature next following the date of the act, and which requirement had been neglected, also declared that the land thereafter to be surveyed should be chosen within two years from the adjournment of the legislature next following a notice by the secretary of the interior to the governor that the surveys had been completed and confirmed. No such notice having been given, the title of the state to the swamp-lands was held to be intact, and a complete grant and indefeasible title were vested in the state by the previous acts of congress, which could not be defeated by any failure on the part of the United States to perform an official duty. The small amount of swamp-lands surveyed in 1860, and which were lost by neglect, could not much affect the grant should it never be recovered.

In pursuance of these views, the legislature of 1870 passed an act providing for the selection and sale of the swamp and overflowed lands of the state.[34] This act made it the duty of the land commissioner for Oregon, to wit, the governor, to appoint persons to make the selections of swamp and overflowed lands, and make returns to him, when they would be mapped,

[34] The first clause of this sentence is a quotation from a letter of Governor Grover to the secretary of the interior, dated Nov. 9, 1871, a year after the passage of the act, but only three months after ascertaining from W. H. Odell, then surveyor-general and successor to E. L. Applegate, that no correspondence whatever was on file in the surveyor-general's office concerning the swamp-lands. Therefore the legislature must have passed an act in pursuance of information received nine months after its passage. See *Or. Governor's Message*, app., 1872, 21–32; *Or. Laws*, 1870, 54–7.

described, and offered for sale at not less than one dollar per acre; twenty per cent of the purchase money to be paid within ninety days after the publication of a notice of sale, and the remainder when the land had been reclaimed. Reclamation was defined to consist in cultivating on the land in question for three consecutive years either grass, cereals, or vegetables, on proof of which the remainder of the purchase money could be paid, and a patent to the land obtained, provided the reclamation should be made within ten years. No actual survey was required, but only that the tract so purchased should be described by metes and bounds; therefore, the twenty per cent which constituted the first payment was a conjectural amount. The law had other defects, which operated against the disposal of the lands to non-speculative purchasers who desired to obtain patents and have their titles settled at once. It was discovered, also, in the course of a few years, that draining the land, which the law required, destroyed its value. The law simply gave the opportunity to a certain class and number of men to possess themselves of large cattle-ranges without anything like adequate payment.

The intention of the original swamp-land act of congress, passed September 28, 1850, was to enable a state subject to overflow from the Mississippi River to construct levees and drain swamp-lands. The benefits of this grant were afterwards extended to other states, including Oregon. But Oregon had no rivers requiring levees, and, strictly speaking, no swamp-lands. It had, indeed, some small tracts of beaver-dam land, and some more extensive tracts subject to annual overflow, on which the best of wild grasses grew spontaneously. To secure these overflowed lands, together with others that were not subject to inundation, but could be embraced in metes and bounds, was the purpose of the framers and friends of the swamp-land act of 1870 in the Oregon legisla-

ture.[35] It was a flagrant abuse of the trust of the people conferred upon the legislative body, and of the powers conferred upon the officers of the state by the constitution.[36] It was a temptation to speculators, who rapidly possessed themselves of extensive tracts, and enriched themselves at the expense of the state, besides retarding settlement.

One effect of the swamp-land act was to bring in conflict with the speculators actual settlers who had squatted upon some unsurveyed portions of these lands, and cultivated them under the homestead law. If it could be proved that the land settled on belonged to the state under the swamp-land act, the settler was liable to eviction. Wherever such a conflict existed, appeal was had to the general land-office, the case was decided upon the evidence, and sometimes worked a hardship, which was contrary to the spirit and intention of the government in granting lands to the state.

The legislature of 1872 urged the Oregon delegation to secure an early confirmation of title, no patent, however, being required to give the state a title to what it absolutely owned by law of congress. It also passed an act to provide for the sale of another class

[35] It was said that some of the members who took an active part in the passage of the bill had prepared their notices and maps to seize the valuable portions of the swamp-lands before voting on it. Two members made out their maps covering the same ground, and it depended on precedence in filing notices who should secure it. One of them called on the secretary after nightfall to file his notice and maps, but was told that the governor had not yet signed the bill, on which he retired, satisfied that on the morning he could repeat his application successfully. The bill was signed by the governor that evening, and his rival, who was more persistent, immediately presented his notice and maps, which being filed at once, secured the coveted land to him. *Jacksonville Sentinel*, Dec. 16, 1871; *Sacramento Union*, Jan. 15, 1872. See remarks on swamp-lands, in *Gov. Chadwick's Message*, 1878, 35–40.

[36] The board of swamp-land commissioners consisted of L. F. Grover, governor, S. F. Chadwick, secretary, L. Fleischner, treasurer, and T. H. Cann, clerk of the state land department. Section 6 of the swamp-land law declares that, 'as the state is likely to suffer loss by further delay in taking possession of the swamp-lands within its limits, this act shall take effect and be in force from and after its approval by the governor; provided, that in case the office of commissioner of lands is not created by law, the provisions of this act shall be executed by the board of commissioners for the sale of school and university lands'—that is, the above-named officers of the state. *Or. Laws*, 1870, 56–7.

of overflowed lands on the sea-shore; and another act appropriating ten per cent of all moneys received from the sale of swamp, overflowed, and tide lands to the school fund.

The swamp-lands which offered the greatest inducement to speculators were found in the Klamath Lake basin, which was partially surveyed in 1858. A re-survey in 1872 gave a greatly increased amount of swamp-land, and changed the character of the surveys materially.[37] This was owing to a decision of the supreme court of the United States, that the shores of navigable waters, and the soils under them, were not granted by the constitution to the United States, but were reserved to the states respectively.[38] The amount selected and surveyed as swamp-land in 1874 was nearly 167,000 acres. In 1876 it was over 300,000, with a large amount remaining unsurveyed. A considerable proportion of these selections were made in the Linkton district, about Lower Klamath, Tule Goose, and Clear lakes, and about the other numerous lakes in south-eastern Oregon, and they led finally to the settling-up of that whole region with stock-raisers, who, when they have exhausted the natural grasses, will dispose of their immense possessions to small farmers who will cultivate the soil after purchasing the lands at a considerable advance on the price paid by the present owners.

As late as 1884, swindling schemes on a vast scale were still being attempted.[39] The history of the land grants shows that the intention of congress was to benefit the state, and encourage immigration, but these benefits were all diverted, bringing incalculable injury to the community. Seldom was a demand of the legislature refused.[40] In 1864 congress passed an act

[37] *Or. Laws*, 1872, 129–33, 220-21, 128–9; *U. S. Sen. Misc. Doc.*, 22, 42d cong. 3d sess; *Portland Oregonian*, Jan. 27, 1873; *Rept Sec. Int.*, 1873, 223–35, 257–93.

[38] See *Or. Legisl. Docs*, 1874, p. 17–18; *S. F. Examiner*, Oct. 18, 1874; *Salem Mercury*, Feb. 5, 1875; *Albany State Rights Democrat*, Jan. 22, 1875.

[39] See *S. F. Chronicle*, Feb. 29, 1884.

[40] In 1864 the U. S. senate com. on land grants refused a grant of land to construct a road from Portland to The Dalles. *Sen. Com. Rept*, 34, 38th cong. 1st sess.

amending the act of September 27, 1850, commonly called the donation law, so as to protect settlers who had failed to file the required notice, and allowing them to make up their deficiencies in former grants. A large amount of land was taken up under this act.[41] In the same manner the state was indemnified for the school lands settled upon previous to the passage of the act donating the sixteenth and thirty-sixth sections for the support of schools. In 1876 congress passed an act for the relief of those persons whose donation claims had been taken without compensation for military reservations, which reservations were afterward abandoned as useless. The settlers who had continued to reside on such lands were granted patents the same as if no interruption to their title had occurred.

According to the act of admission, five per cent of the net proceeds of sales of all public lands lying within the state which should be sold after the admission of the state, after deducting the expenses incident to the sales, was granted to the state for the construction of public roads and improvements. The first and only public improvement made with this fund was the construction of a canal and locks at the falls of the Willamette River opposite Oregon City, begun in 1870 and completed in 1872. After this use of a portion of the public-improvement fund, the five-per-cent fund was diverted from the uses indicated by law, and by consent of congress converted to the common-school fund, to prevent its being appropriated to local schemes of less importance to the state.[42]

[41] *Zabriskie's Land Laws*, 636–7; *Portland Or. Herald*, Feb. 28, 1871; *Sec. Int. Rept*, 77–86, 44th cong. 1st sess.

[42] *Or. Laws*, 1870, 14; *Governor's Message*, app., 1872, 73–4; *Deady's Hist. Or.*, MS., 52; *Portland Standard*, Jan. 7, 1881. The first embezzlement of public money in Oregon was from the five-per-cent fund, amounting to $5,424.25. The drafts were stolen by Sam. E. May, secretary of state, and applied to his own use. *Or. Governor's Message*, app., 79–113; *Woods' Recollections*, MS., 7–9. It was this crime that brought ruin on Jesse Applegate, one of the bondsmen, whose home was sold at forced sale in 1883, after long litigation. S. E. May was a young man of good talents and fine personal appearance, though with a skin as dark as his character, and which might easily have belonged to a mulatto or mestizo.

The same disposition was made of the fund arising from the sale of the 500,000 acres to which the state was entitled on admission, by the act of September 4, 1841. When the state was organized, the framers of the constitution offered to take this grant in addition to the common-school lands, instead of for public improvements; but on accepting the Oregon constitution, congress said nothing concerning this method of appropriating the lands, from which it was doubtful whether the law of congress or the law of the state should govern in this case. But as the lands belonged absolutely to the state, it was finally decided to devote them to school purposes.

By 1885 half of the 500,000-acre grant was sold, and the remainder, most of which was in eastern Oregon, was, some time previous, offered at two dollars an acre. From this, and the sale of the sixteenth and thirty-sixth sections, the five-per-cent fund, money accruing from escheats, forfeitures, and all other sources provided by law, the school fund amounted in 1881 to about $600,000, which was loaned on real estate security at ten per cent per annum. The number of acres actually appropriated by congress for common schools amounted to 3,250,000, of which about 500,000 had been sold, the minimum price being $1.25 an acre.[43]

The legislature of 1868 passed an act creating a board of commissioners for the location of the 90,000 acres appropriated by congress for agricultural colleges, and to establish such a college. By this act a school already existing at the town of Corvallis was adopted as the Agricultural College, in which students sent under the provision of the act should receive a

[43] *Portland Standard*, Jan. 7, 1881. The fund does not seem proportioned to the amount of land. At the lowest price fixed by law, the lands sold must have aggregated $925,000 up to the date just mentioned. Out of this, after taking the cost of the canal and locks at Oregon City, $200,000, there would be a considerable amount to be accounted for more than should be credited to the account of expenses. But the figures are drawn from the best authority obtainable.

collegiate education in connection with an agricultural one. Each state senator was authorized to select one student, not less than sixteen years of age, who should be entitled to two years' tuition in this college; and the president of the college was permitted to draw upon the state treasurer for eleven dollars and twenty-five cents per quarter for each student so attending; the money to be refunded out of the proceeds of the agricultural lands when selected.

This was done because the act of congress making grants for the establishment of state colleges of agriculture required these schools to be in operation in 1867. The time was subsequently extended five years. Meanwhile the board of commissioners, John F. Miller, I. H. Douthit, and J. C. Avery, proceeded[44] to locate the agricultural-college lands, chiefly in Lake county. In 1881, 23,000 acres had been sold at $2.50 an acre, giving a fund of $60,000 for the support of the agricultural department of this school.

Of the state-university lands, about 16,000 acres remained unsold in 1885 of the 46,000 acres belonging to this institution. This remainder, located in the Willamette Valley, was held at two dollars an acre. An act locating the state university at Eugene City was passed by the legislature of 1872. The people of Lane county, in consideration of the location being made in their midst, made a gift to the state of the grounds necessary, and the building erected upon it,

[44] No building was erected, nor was the location of the college secured to Corvallis. By simply adopting the Corvallis institution as it stood, a great difficulty was removed, and expense saved, while the land grant was secured. Twenty-two students were entered in 1868. In 1871 the people of Benton co. presented 35 acres of land to the college to make a farm, on which the agricultural students labored a short time each day of the school-week, receiving compensation therefor. Wheat and fruit were cultivated on the farm; fertilizers are tested, and soils analyzed. Lectures are given on meteorology, botany, fruit-culture, chemistry, and assaying. The building was enlarged, and the apparatus increased from time to time, with collections of minerals. The farm was valued at $5,000, the buildings at $6,000. In 1876 about 100 students took the agricultural course, all of whom were required to perform a small amount of labor on the farm, and to practise a military drill. The state makes an annual appropriation of $5,000 toward the current expenses of the college. *Dept Agric. Rept*, 1871-2, 325; 1875, 397, 492; *Or. Laws*, 1868, 40-41; *Or. Legisl. Docs*, 1870, app. 12-16; *Or. Laws*, 1872, 133-5; *Governor's Message*, 1872, 12-13; *Portland West Shore*, Oct. 1880.

amounting in value to $52,000. The university school was opened in 1876, when the fund arising from the sale of its lands reached $75,000, nearly $10,000 of which sum arose from sales of the Oregon City claim, previous to the legislative act which restored that property to the heirs of John McLoughlin.[45]

The land appropriated to the erection of public buildings having been all sold and the funds applied to these purposes, there remained, in 1885, unsold of the state lands of the above classes some three million acres, then held at from $1.25 to $2.50 an acre, besides such of the swamp-lands as might revert to the state, the tide and overflowed lands of the sea-shore, and the salt-springs land. Owing to the greater ease with which the level lands were cultivated, the prairies were first selected, both by private claimants and government agents.[46] The principal amount of the state lands still unsold in 1885 were the brush lands of the foot-hills and ridges of western Oregon, the timbered lands of the mountains, and the high table-lands of eastern Oregon, which, compared with the fertile and level valley lands of the state, were once esteemed comparatively valueless. This, however, was a hasty conclusion. The brush lands, when cleared, proved to be superior fruit lands; the high plateaus of eastern Oregon, owing to a clayey soil not found in the valleys, produced excellent wheat crops, and the timbered lands were prospectively valuable for lumber. In fact, it became necessary for the government, in 1878, to impose a fine of from $100 to $1,000 for trespassing on the forest lands, for their protection from milling companies with no right to the timber. At the same time the government of-

[45] *Or. Laws*, 1872, 47–53, 96–7; *Nash's Or.*, 162; *Victor's Or.*, 178. Much information may be gleaned concerning the status of schools and the condition of the public funds from *Or. School Land Sales Rept*, 1872; *Or. Legisl. Docs*, 1868, doc. 4, 41–3.

[46] I find the principal statements here set down collected by the clerk of the board of land commissioners, M. E. P. McCormac, for the *Portland Standard*, Jan. 7, 1881; *Ashland Tidings*, Jan. 29, 1877; *Sac. Union*, Jan. 15, 1872; *S. F. Post*, Sept. 9, 1873.

fered to sell its timber, in tracts of 160 acres, at $2.50 an acre; and lands containing stone quarries at the same price. The total number of acres of timber in the state is estimated at 761,000, or a little over thirty-one per cent of the whole area.

As it became a known fact that the cultivation of timber tended to produce a moisture which was lacking in the climate and soil of the high central plains, congress passed an act by the provisions of which a quarter-section of land might be taken up, and on a certain portion of it being planted with timber, a patent might be obtained to the whole. Under this act, passed in 1873 and amended in 1874, between 18,000 and 19,000 acres were claimed in the year ending July 1, 1878, chiefly in eastern Oregon; while in the same year, under the homestead act, nearly 86,000 acres were taken up,[47] the whole amount of government land taken in Oregon in 1878 being 139,597 acres. The rapid settlement of the country at this period, together with the absorption of the public lands by railroad grants, seems likely soon to terminate the possessory rights of the government in Oregon, the claims of settlers still keeping in advance of the United States surveys.

To the legislature of 1862 was submitted a Code of Civil Procedure, with some general laws concerning corporations, partnerships, public roads, and other matters, prepared by a commission consisting of Deady, Gibbs, and Kelly, which was accepted with some slight amendments; and an act was then passed authorizing Deady to complete the code and report at the next session. This was done, and the code completed was accepted in 1864, but four members voting against it on the final ballot, and they upon the ground of the absence of a provision prohibiting

[47] *H. Ex. Doc.*, i., pt 5, 146–60, 45th cong. 3d sess.; *Victor's Or.*, 98; *Nash's Or.*, 163; *Nordhoff, N. Cal.*, 211; *Dept Agric. Rept*, 1875, 331; *Ashland Tidings*, Nov. 16, 1877; *Cong. Globe*, 1876–7, 137; 1877–8, 32.

persons other than white men from giving evidence in the courts.

The subject of the equality of the races had not lost its importance. The legislature of 1862, according to the spirit of the constitution of Oregon, which declared that the legislative assembly should provide by penal codes for the removal of negroes and mulattoes from the state, and for their effectual exclusion, enacted that each and every negro, Chinaman, Hawaiian, and mulatto residing within the limits of the state should pay an annual poll-tax of five dollars, or failing to do so should be arrested and put to work upon the public highway at fifty cents a day until the tax and the expenses of the arrest and collection were discharged.[48]

By the constitution of Oregon, Chinamen not residents of the state at the time of its adoption were forever prohibited from holding real estate or mining claims therein. By several previous acts they had been "taxed and protected" in mining as a means of revenue, the tax growing more oppressive with each enactment, and as the question of Chinese immigration[49] was more discussed, the law of 1862 being intended to put a check upon it. All former laws relating to mining by the Chinese having been repealed by a general act in 1864, the legislature of 1866 passed another, the general features of which were that no Chinamen not born in the United

[48] *Or. Gen. Laws*, 1845, 64; *Or. Code*, 1862, app. 76–7.

[49] Since the Chinese question is presented at length in another portion of this work, it will not be considered in this place. In Oregon, as in California, there was much discussion of the problem of the probable effect of Chinese immigration and labor on the affairs of the western side of the continent; and occasionally an outbreak against them occurred, though no riots of importance have taken place in this state. During the period of railway building they were imported in larger numbers than ever before. The Oregon newspapers have never earnestly entered into the arguments for and against Chinese immigration, as the California papers have done. The *Or. Deutsche Zeitung* has published some articles in favor of it, and an occasional article in opposition has appeared in various journals: but there had not been any violent agitation on the subject up to the year 1881. See *Boisé Statesman*, April 20, 1867; *Or. Legisl. Docs*, 1870, doc. 11, 5–9; *Or. Laws*, 1870, 103–5; *Eugene City Journal*, March 14, 1868; *S. F. Call*, Oct. 21, 1868; *McMinnville Courier*, Sept. 18, 1868; *S. F. Times*, Sept. 2, 1868, Jan. 18, 1869; *Or. Deutsche Zeitung*, July 17, 1869.

States should mine in Oregon, except by paying four dollars per quarter, upon receiving a license from the sheriff; failing in the payment of which the sheriff might seize and sell his property. Any person employing Chinamen to work in the mines was liable for this tax on all so employed. Chinamen complying with the law should be protected the same as citizens of the United States; and twenty per cent of such revenue should go to the state.[50]

With the laws against negroes the hand of the general government was destined to interfere, first by the abolition of slavery in all United States territory, and finally when citizenship and the right of suffrage were extended to the colored race. The resolution of congress providing for the amendment to the constitution of the United States abolishing slavery was passed February 1, 1865. By the 23d of September seventeen states had adopted the amendment. Secretary Seward wrote to Governor Gibbs asking for a decision, to obtain which the legislature was convened at Salem on the 5th of December[51] by a call of the

[50] *Or. Laws*, 1866, 41-6. In 1861 the revenue to the state from the tax on Chinamen was $539.25, collected in the counties of Jackson and Josephine; or a total of $10,785, which shows a mining population in those two counties of about 900. *Or. Jour. House*, 1862, ap. 65-6.

[51] This was the same elected in 1864, and had held their regular session in September and October of that year. It consisted of the following members—Senate: Baker and Umatilla counties, James M. Pyle; Benton, A. G. Hovey; Coos, Curry, and Douglas, G. S. Hinsdale; Clatsop, Columbia, Washington, and Tillamook, Thos R. Cornelius; Clackamas, H. W. Eddy; Douglas, James Watson; Jackson, Jacob Wagner; Josephine, C. M. Caldwell; Lane, C. E. Chrisman and S. B. Cranston; Linn, Bartlett Curl and D. W. Ballard; Marion, John W. Grim and William Greenwood; Multnomah, J. H. Mitchell; Polk, John A. Frazer; Wasco, L. Donnel; Yamhill, Joel Palmer.

House: Baker county, Samuel Colt and Daniel Chaplin; Benton, J. Quinn Thornton and James Gingles; Coos and Curry, Isaac Hacker; Clatsop, Columbia, and Tillamook, P. W. Gillette; Clackamas, E. S. S. Fisher, H. W. Shipley, and Owen Wade; Douglas, E. W. Otey, P. C. Parker, and A. Ireland; Jackson, James D. Fay, T. F. Beall, and W. F. Songer; Josephine, Isaac Cox; Lane, G. Callison, J. B. Underwood, and A. McCornack; Linn, Robert Glass, J. N. Perkins, J. P. Tate, and H. A. McCartney; Marion, I. R. Moores, J. C. Cartwright, J. J. Murphy, and H. L. Turner; Multnomah, P. Wasserman, L. H. Wakefield, and John Powell; Polk, James S. Holman, C. Lafollet; Umatilla, L. F. Lane; Wasco, A. J. Borland; Washington, W. Bowlby and D. O. Quick; Yamhill, Geo. W. Lawson and H. Warren. The place of Wade was filled in 1865 by Arthur Warner; the place of Lafollet by Isaac Smith; the place of Henry Warren by J. M. Pierce. Borland was absent, and had no substitute. *Or. Jour. House*, 1864 and 1865; *Or. Jour. Senate*, 1864; *National Almanac*, 1864.

executive. The message of Governor Gibbs was dignified and argumentative in favor of the abolition of slavery. It was impossible to get a unanimous vote in favor of the measure, on account of the democratic members who had been elected by the disunion element. The amendment was, however, adopted, with only seven dissenting votes in both houses,[52] by a joint resolution, on the 11th of December, and the decision telegraphed to Washington.

When the fourteenth amendment was presented to another Oregon legislature in the following year, it was adopted with even less debate, and the clauses of the constitution of Oregon which discriminated against the negro as a citizen of the state were thereby made nugatory.[53]

The remainder of the political history of Oregon will be brief, and chiefly biographical. The republican party of the United States in 1864 again elected Abraham Lincoln to be president. Oregon's majority was over fourteen hundred. At the state election of this year J. H. D. Henderson[54] was elected repre-

[52] Gibbs says, in his *Notes on Or. Hist.*, MS., 25, that 'every republican except one voted for it, and every democrat against it.'

[53] See *Or. Jour. Senate*, 1866, 25, 26, 27, 31, 34, 35, 56, 58, 61. The state senate in 1866, in addition to Cranston, Cornelius, Donnell, Hinsdale, Palmer, Pyle, and Watson, who held over, consisted of the following newly elected members: Benton county, J. R. Bayley; Baker, S. Ison; Clackamas, W. C. Johnson; Grant, L. O. Sterns; Linn, R. H. Crawford, William Cyrus; Lane, H. C. Huston; Marion, Samuel Brown, J. C. Cartwright; Multnomah, J. N. Dolph, David Powell; Polk, W. D. Jeffries; Umatilla, N. Ford. House: Baker, A. C. Loring; Baker and Union, W. C. Hindman; Benton, F. A. Chenoweth, James Gingles; Clackamas, J. D. Locey, J. D. Garrett, W. A. Starkweather; Clatsop, Columbia, and Tillamook, Cyrus Olney; Coos and Curry, F. G. Lockhart; Douglas, B. Herman, James Cole, M. M. Melvin; Jackson, E. D. Foudray, Giles Welles, John E. Ross; Josephine, Isaac Cox; Multnomah, W. W. Upton, A. Rosenheim, J. P. Garlick, John S. White; Marion, J. I. O. Nicklin, W. E. Parris, C. B. Roland, B. A. Witzel, L. S. Davis; Polk, J. Stouffer, J. J. Dempsey, William Hall; Grant, Thos H. Brents, M. M. McKean; Union, James Hendershott; Umatilla, T. W. Avery, H. A. Gehr; Wasco, O. Humason, F. T. Dodge; Yamhill, J. Lamson, R. B. Laughlin; Lane, John Whiteaker, J. E. P. Withers, R. B. Cochran; Linn, E. B. Moore, G. R. Helm, J. Q. A. Worth, J. R. South, W. C. Baird; Washington, G. C. Day, A. Hinman. *Or. Jour. Senate*, 1866.

[54] Henderson was a Virginian and a Cumberland presbyterian minister, a modest and sensible man of brains. He came to Oregon in 1851 or 1852, and resided at Eugene, where he was principal of an academy and clerk in the surveyor-general's office. *Deady's Scrap-Book*, 77.

sentative to congress; J. F. Gazley, George L. Woods, and H. N. George, presidential electors. The senate chose George H. Williams for the six years' term in the United States senate, beginning in March 1865.

With the close of the war for the union the political elements began gradually to reshape themselves, many of the union party who had been Douglas democrats before the war resuming their place in the democratic ranks when the danger of disunion was past. To the returning ascendency of the democratic party the republicans contributed by contests for place among themselves. In 1866 A. C. Gibbs and J. H. Mitchell were both aspirants for the senatorship, but Gibbs received the nomination in the caucus of the republican members of the legislature. Opposed to him was Joseph S. Smith, democratic nominee. The balloting was long continued without an election, owing to the defection of three members whose votes had been pledged. When it became apparent that no election could be had, the name of H. W. Corbett was substitued for that of Gibbs, and Corbett was elected on the sixteenth ballot. Corbett was not much known in politics except as an unconditional union man. Personally he was not objectionable. He labored for the credit of his state, and endeavored to sustain republican measures by introducing and laboring for bills that promoted public improvements.[55]

In 1868 the legislature had returned to something like its pre-rebellion status,[56] passing a resolution in both houses requesting senators Williams and Corbett to resign for having supported the reconstruction acts.[57] The senate of the United States returned the resolution to both houses of the Oregon legisla-

[55] Henry W. Corbett was born at Westboro, Mass., Feb. 18, 1827; received an academic education, and engaged in mercantile pursuits, first in New York, and then in Portland in 1849, where he acquired a handsome fortune. He was an ardent unionist from the first. *Cong. Directory*, 31, 40th cong. 2d sess.

[56] There were 13 democrats and 9 republicans in the senate, and 17 republicans and 30 democrats in the house. *Camp's Year-Book*, 1869, 758.

[57] See Williams' speech of Feb. 4, 1868; *Or. Jour. House*, 1868, 123–5; *Or. Laws*, 1868, 97–8.

ture by a vote of 126 to 35.[58] Williams and his colleague secured a grant of land for the construction of a railroad from Portland to the Central Pacific railroad in California, for which they received the plaudits of the people, and especially of southern Oregon. When the senatorial term of the former expired he was appointed attorney-general of the United States, and afterward chief justice, but withdrew his name, and retired to private life in Portland.

In 1866 George L. Woods was elected governor in opposition to James K. Kelly. To avenge this injury to an old-line democrat, the legislature of 1868[59] conspired to pass a bill redistricting the state so as to increase the democratic representation in certain sections and decrease the republican representation in

[58] The resolution of censure just mentioned originated in the house. The senate at the same session passed a resolution rescinding the action of the legislature of 1866 assenting to the fourteenth amendment, which resolution was adopted by the house. *Or. Jour. Senate*, 1868, 32-6. The act was one of political enmity merely, as the legislature of 1868 had no power to annul a compact entered into for the state by any previous legislative body. The senate of Oregon assumed, however, than any state had a right to withdraw up to the moment of ratification by three fourths of all the states; and that the states of Arkansas, Florida, Louisiana, Alabama, South Carolina, and Georgia were created by a military despotism against the will of the legal voters of those states, and consequently that the acts of their legislatures were not legal, and did not ratify the fourteenth amendment. The secretary of state for Oregon was directed to forward certified copies of the resolution to the president and secretary, and both houses of congress. But nothing appears in the proceedings of either to show that the document ever reached its destination.

[59] Senate: Baker county, S. Ison; Washington, Columbia, Clatsop, and Tillamook, T. R. Cornelius; Benton, J. R. Bayley; Umatilla, N. Ford; Clackamas, D. P. Thompson; Union, James Hendershott; Douglas, Coos, and Curry, B. Herman, C. M. Pershbaker; Josephine, B. F. Holtzclaw; Yamhill, S. C. Adams; Jackson, J. N. T. Miller; Lane, H. C. Huston, R. B. Cochran; Linn, Wm Cyrus, R. H. Crawford; Marion, Samuel Miller, Samuel Brown; Multnomah, Lansing Stout; Polk, B. F. Burch, president.

House: Baker, R. Beers; Benton, J. C. Alexander, R. A. Bensal; Baker and Union, D. R. Benson; Clackamas, J. W. Garrett, D. P. Trullinger; Coos and Curry, Richard Pendergast; Columbia, Clatsop, and Tillamook, W. D. Hoxter; Douglas, John G. Flook, James F. Gazley, James Applegate; Grant, R. W. Neal, Thomas E. Gray; Jackson, J. B. White, Thomas Smith, J. L. Louden; Josephine, Isaac Cox; Lane, John Whiteaker, H. H. Gilfrey, E. N. Tandy; Linn, John T. Crooks, John Bryant, B. B. Johnson, W. F. Alexander, T. J. Stites; Marion, John F. Denny, J. B. Lichtenthaler, T. W. Davenport, John Minto, David Simpson; Multnomah, W. W. Chapman, T. A. Davis, James Powell, J. S. Scoggins; Polk, R. J. Grant, F. Waymire, Ira S. Townsend; Umatilla, A. L. Kirk; Union, H. Rhinehart; Wasco, D. W. Butler, George J. Ryan; Washington, John A. Taylor, Edward Jackson; Yamhill, W. W. Brown, G. W. Burnett; speaker, John Whiteaker. *Or. Jour. Senate*, 1868, 4-5; *Or. Jour. House*, 1868, 4-5.

others, having for its object the election of a democratic United States senator in 1870; and further, to recount the gubernatorial vote of 1866, to count out Woods and place Kelly in the office of governor. This return to the practices of the 'political zouaves' of the days of the Salem clique, amounting in this case to revolution, was thwarted by the republican minority under the direction of Woods. In order to carry their points, the democrats endeavored to prolong the session beyond the constitutional forty days, by deferring the general appropriation bill, and did so prolong it to the forty-third day, when fifteen republicans resigned in a body, leaving the house without a quorum, and unable to pass even a bill to pay their per diem. In this dilemma, they demanded that the governor should issue writs of election to make a quorum; but this was refused as unconstitutional after the forty days were passed, and the house, without the power even to adjourn, fell in pieces.[60]

The representative to congress elected in 1866 was Rufus Mallory, republican, who defeated his opponent, James D. Fay, by a majority of six hundred.[61]

In 1868 the republican candidate, David Logan, was beaten by Joseph S. Smith, whose majority was nearly twelve hundred,[62] owing partly to the unpopular standing of Logan even with his own party,[63] as

[60] *Or. Jour. House*, 1868, 527-54; *Wood's Recollections*, MS., 35-8.

[61] Rufus Mallory was a native of Coventry, N. Y., born January 10, 1831. He received an academic education, and studied and practised law. He was dist atty in the 1st jud. dist in Oregon in 1860, and in the 3d jud. dist from 1862 to 1866; and was a member of the state leg. in 1862. *Congress. Directory*, 40th cong. 2d sess., p. 31. James D. Fay married a daughter of Jesse Applegate. His habits were bad, and he committed suicide at Coos Bay. He was talented, erratic, and unprincipled.

[62] Smith came to Oregon in 1847, and preached as a minister of the methodist church. After the gold discoveries and the change in the condition of the country, he abandoned preaching and engaged in the practice of law in 1852. He was in 1864 agent for the Salem Manufacturing Company, in which he was a large stockholder. He is described as a reserved man, not much read in elementary law, but an acute reasoner and subtle disputant. *Deady's Scrap-Book*, 81.

[63] The federal officers in Oregon in 1868 were: district judge, Matthew P. Deady; marshal, Albert Zeiber; clerk, Ralph Wilcox; collector of the port of Astoria, Alanson Hinman; surveyor-general, Elisha Applegate; register of land-office, Roseburg, John Kelly (A. R. Flint, receiver); register, Oregon

was shown by the presidential vote in the following November, which gave a democratic majority of only 160 for presidential electors out of 22,000 votes cast by the state.

In 1870 L. F. Grover, who ever since 1864 had been president of the democratic organization of the state, was elected governor of Oregon, with S. F. Chadwick as secretary.[64]

The legislature of 1870, following the example of its immediate predecessor, rejected the fifteenth amendment to the constitution of the United States, which extended the elective franchise to negroes. The manner of the rejection was similar to that of the rescinding resolutions of 1868, and like them, a mere impotent expression of the rebellious sentiments of the ultra-democratic party in Oregon.[65] It had no effect to prevent negroes in Oregon from voting, of whom there were at this time less than 350. It also, in obedience to party government, provided for the appointment of three commissioners to investigate the official conduct of the state officers of the previous administration, succeeding in discovering a defalcation by Secretary May of several thousand dollars,[66]

City, Owen Wade (Henry Warren, receiver); supt Ind. aff., J. W. P. Huntington; chief clerk Ind. dept, C. S. Woodworth; assessor int. rev., Thomas Frazar; collector int. rev., Medorum Crawford; deputy assessor, William Grooms; deputy col., Edwin Backenstos.

The district judges of the supreme court of Oregon at this time, beginning with the northern districts, were: 4th dist, W. W. Upton; 5th dist, J. G. Wilson (east of the Cascade mts); 3d dist, R. P. Boise; 2d dist, A. A. Skinner; 1st dist, P. P. Prim. The dist attys in the same order were M. F. Mulkey, James H. Slater, P. C. Sullivan, J. F. Watson, J. R. Neil. *McCormick's Portland Dir.*, 1868, 109; *Camp's Year-Book*, 1869, 434.

[64] L. Fleischner was elected treasurer, R. P. Boise was reëlected judge, and A. J. Thayer and L. L. McArthur to succeed Skinner and Wilson. Id., app. 11.

[65] *Or. Laws*, 1870, 190–1; *Sen. Misc. Docs*, 56, 41st cong. 3d sess.; *Gov. Message*, in *Or. Legis. Docs*, 1870, doc. 11, p. 9.

[66] The investigation lasted a year, at $5 per day each to the commissioners for the time necessarily employed in making the investigation. They brought in a report against May, and also some absurd charges that the governor had made more visits to the penitentiary than his duty required, at the expense of the state, with other insignificant matters. They discovered that C. A. Reed, the adjutant-general of the militia organization, had purchased two gold pens, not needed, his office being abolished by the same body which commissioned them, at an expense of $15 a day, to discover these two pens.

Legislative assembly of 1870—Senate: Baker county, A. H. Brown;

through embezzlement of the five-per-cent fund before mentioned.

When Governor Grover came into office he found the treasury containing sufficient funds, less some $6,000, to defray the expenses of the state's affairs for the next two years. The legislature at once made an appropriation to build the penitentiary in a permanent form, and appropriated money from the five-per-cent fund for the construction of a steamboat canal with locks, at the falls of the Willamette. A small amount was also devoted to the organization of the agricultural college, thereby securing the land grant belonging to it. The legislature of 1872 passed an act providing for the construction of a state capitol, and appropriated $100,000 to be set apart by the treasurer, to be designated as the state-house building fund; but for the purpose of providing funds for immediate use, the treasurer was authorized to transfer $50,000 from the soldiers'-bounty fund to the building fund, that the work might be begun without delay. The same legislature passed an act organizing and locating the state university at Eugene City, on condition that a site and building were furnished by the Union Uni-

Douglas, L. F. Mosher; Coos and Curry, C. M. Pershbaker; Jackson James D. Fay; Josephine, B. F. Holtzclaw; Lane, A. W. Patterson, R. B. Cochran; Linn, Enoch Hoult, R. H. Crawford; Marion, Samuel Brown, John H. Moores; Multnomah, Lansing Stout, David Powell; Clackamas, D. P. Thompson; Polk, B. F. Burch; Grant, J. W. Baldwin; Umatilla, T. T. Lieuallen; Union, J. Hendershott; Wasco, Victor Trevitt; Washington, Columbia, Clatsop, and Tillamook, T. R. Cornelius; Yamhill, W. T. Newby; Benton, R. S. Strahan. President, James D. Fay; clerks, Syl. C. Simpson and Orlando M. Packard.

House: Baker, H. Porter; Baker and Union, J. R. McLain; Benton, D. Carliale, W. R. Calloway; Clackamas, Peter Paquet, W. A. Starkweather, J. T. Apperson; Clatsop, Columbia, and Tillamook, Cyrus Olney; Coos and Curry, F. G. Lockhart; Douglas, James C. Hutchinson, C. M. Caldwell, J. C. Drain; Grant, J. M. McCoy, W. H. Clark; Jackson, Jackson Rader, James Wells, A. J. Burnett; Lane, John Whiteaker, G. B. Dorris, James F. Amis; Linn, W. F. Alexander, G. R. Helm, Thomas Munkers, John Ostrander, W. S. Elkins; Marion, T. W. Davenport, R. P. Earhart, J. M. Harrison, G. P. Holman, W. R. Dunbar; Multnomah, J. W. Whalley, Dan. O'Regan, L. P. W. Quimby, John C. Carson; Polk, B. Hayden, R. J. Grant, W. Comegys; Union, J. T. Hunter; Umatilla, Johnson Thompson, F. A. Da Sheill; Washington, W. D. Hare, W. A. Mills; Wasco, James Fulton, O. S. Savage; Yamhill, Al. Hussey, Lee Loughlin. Speaker, Ben Hayden; clerks, E. S. McComas, John Costello, W. L. White, and John T. Crooks. *Or. Jour. Senate*, 1870, 4–6, 13; *Directory Pac. Coast*, 1871–3, 111.

versity Association; and setting apart the interest on the fund arising from the sale of seventy-two sections of land donated to the state for the support of the university for the payment of the salaries of teachers and officers.

These were all measures important to the welfare and dignity of the state, and gave to Grover's administration the credit of having the interests of the people at heart. An agricultural college was established by simply paying for the tuition of twenty-three pupils at an ordinary academy, at ordinary academy charges.[67] A university was established, by requiring the town where it was located to furnish a site and a building, and paying the faculty out of the university fund. The Modoc war, also, which occurred during Grover's term of office, added some consequence to his administration, which, excepting that of Governor Gibbs, was the most busy, for good or evil, of any which had occurred in the history of the state. In 1874 Grover was reëlected, over J. C. Tolman, republican, and T. F. Campbell, independent.[68]

In 1872 the republicans in the legislature elected John H. Mitchell to succeed Corbett in the U. S. senate. He served the state ably.[69]

[67] *Or. Governor's Message*, 1872, 3–10; *Or. Laws*, 1872, 47–53; *Grover's Pub. Life in Or.*, MS., 72.

[68] Grover's opponent in 1870 was Joel Palmer, who was not fitted for the position, being past his prime. In 1874 Grover's majority over Tolman was 550. Campbell simply divided the vote, and was beaten by 3,181. He was a preacher of the christian church, and president of Monmouth college, of which he was also the founder, and which became a prosperous school.

[69] Mitchell was born in Penn. June 22, 1835, receiving a fair education, and studying law, which he practised in his native state. Appearing in Oregon in 1860, at the moment when his talents and active loyalty could be made available, he rapidly rose in favor with his party, and was appointed prosecuting attorney for the 4th jud. dist, in place of W. W. Page, resigned, but declined, and in 1864 was elected state senator. From this time he was a leader in politics, and a favorite among men, having many pleasing personal qualities. After having been chosen senator, a scandal was discovered which dismayed the republicans and gave the independents that which they desired, a strong leverage against the old party, which was split in consequence, the breach made being so violent that at the next senatorial election they lost the battle to the democrats. Mitchell was not unseated, however, as had been hoped. At the expiration of his term he resumed the practice of the law, first in Washington city, and later in Portland, where he achieved his first political honors, and where the field is open to talent to distinguish itself.

On the meeting of the legislature of 1876, there being a United States senator to be elected, the choice lay between Jesse Applegate and Grover. The first ballot in the senate gave Applegate seven and Grover twenty votes, with two votes scattering. The first ballot in the house gave twenty-seven for Applegate and twenty-five for Grover, with seven for J. W. Nesmith. In joint convention Nesmith received on some ballots as many as fourteen votes. But the democrats were chiefly united on Grover and the republicans on Applegate; and at length the friends of Nesmith gave way, that the candidate of their party might succeed, and Grover's vote rose from forty-two to forty-eight, by which he was elected. In February 1877 he resigned the office of governor, and took his place in the U. S. senate,[70] S. F. Chadwick succeeding to the gubernatorial office.

In the mean time there was a growing uneasiness in the public mind, arising from the conviction that there was either mismanagement or fraud, or both, in the state, land, and other departments, and the legislature of 1878 appointed a joint committee to examine into the transactions of the various offices and departments of the state government. The commission published its report, and the impression got abroad that a system of peculation had been carried on for some time past, in which serious charges were made; but notwithstanding the numerous accusations against the several state officials, there was not sufficient evidence to prove that moneys had been illegally drawn from the public funds. Nevertheless, the administration suffered in reputation in consequence of the report. The scandal created was doubtless tinged by partisan spirit, more or less. The improvement in the affairs of the government was substantial and noteworthy, and at a later date credit was not un-

[70] See *Sen. Com. Rept*, 536, 548, 561, 627, 678, 44th cong. 2d sess.; also, *Proceedings of the Electoral Commission*, and *Cong. Globe*, 1876–7, 74–5, 209–10, app. 132, 188, 192; *Portland Oregonian*, Jan. 27, 1877.

willingly conceded to the administration, the course of which had been temporarily clouded by hurtful though unsubstantiated complaints.[71]

The elevation of Grover to the U. S. senate left Stephen F. Chadwick in the gubernatorial chair, which he filled without cause for dissatisfaction during the remainder of the term. During Chadwick's administration eastern Oregon was visited by an Indian war. During this interval the depredations caused were very severe, and the loss to the white settlers of property was immense, a full history of which will be included in those described in my *History of Washington, Idaho, and Montana.*

One by one the former democratic aspirants for place reached the goal of their desires. Joseph S. Smith was succeeded in congress by James H. Slater, who during the period of the rebellion was editor of the *Corvallis Union*, a paper that, notwithstanding its name, advocated disunion so as to bring itself under the notice of the government, by whose authority it was suppressed.[72]

The successor of Slater was Joseph G. Wilson,[73] who died at the summer recess of congress in 1873. A special election chose J. W. Nesmith to fill the vacancy, who, though a democratic leader, had eschewed some of the practices of his party, if not the

[71] For a report of the proceedings of the investigating committee, see *Or. Legisl. Docs*, 1878; *Portland Oregonian*, Dec. 30, 1878.

[72] James H. Slater was a native of Ill., born in 1827. He came to Cal. in 1849, and thence to Oregon in 1850, residing near Corvallis, where he taught school and studied law, the practice of which he commenced in 1858. He was elected to the legislature several times. He removed to eastern Oregon in 1862, engaging in mining for a time, but finally settled at La Grande. *Ashland Tidings*, Sept. 20, 1878.

[73] Wilson was born in New Hampshire Dec. 13, 1826, the son of a dissenting Scotch presbyterian, who settled in Londonderry in 1716. His parents removed to Cincinnati in 1826, settling afterward near Reading, Joseph receiving his education at Marietta college, from which he graduated with the degree of LL. D. He entered the Cincinnati law school, from which he graduated in 1852 and went to Oregon. He rose step by step to be congressman. His wife was Elizabeth Millar, daughter of Rev. James P. Millar of Albany, a talented and cultivated lady, who, after her husband's untimely death, received a commission as postmaster at The Dalles, which she held for many years.

love of office. His majority was nearly 2,000 over his opponent, Hiram Smith. He was in turn succeeded by George La Dow,[74] a man little known in the state, and who would not have received the nomination but for the course of the *Oregonian* in making a division in the republican ranks and running Richard Williams, while the regular party ran T. W. Davenport. The vacancy caused by the death of La Dow was filled by La Fayette Lane, specially elected October 25, 1875. At the next regular election, in 1876, Richard Williams[75] received a majority of votes for representative to congress, serving from March 1877 to March 1879. He was succeeded by ex-Governor John Whiteaker, democrat, and he by M. C. George, republican, who has been returned the second time.

In 1878 the republicans again lost their choice for governor by division, and C. C. Beekman was defeated by W. W. Thayer,[76] who was followed by Z. F. Moody[77] in 1882. The U. S. senator elected in 1882,

[74] George A. La Dow was born in Cayuga-co., N. Y., March 18, 1826. His father emigrated to Ill. 1839, where George was educated for the practice of law. Subsequently settling in Wisconsin, he was elected dist atty for Waupaca co. In 1869 he came to Oregon and settled in Umatilla co., being elected representative in 1872. *S. F. Examiner*; in *Salem Statesman*, June 13, 1874.

[75] Richard Williams was a son of Elijah Williams, a pioneer. He was a young man of irreproachable character and good talents, a lawyer by profession, who had been appointed dist atty in 1867. *S. F. Call*, March 24, 1867.

[76] W. W. Thayer, a brother of A. J. Thayer, was born at Lima, N. Y., July 15, 1827. He received a common-school education, and studied law, being admitted to the bar by the sup. ct at Rochester, in March 1851. He subsequently practised at Tonawanda and Buffalo, until 1862, when he came to Oregon, intending to settle at Corvallis. The mining excitement of 1863 drew him to Idaho; he remained at Lewiston till 1867, when he returned to Oregon and settled in East Portland, forming a law partnership with Richard Williams. He was a member of the Idaho legislature in 1866, and was also dist atty of the 3d jud. dist. During his administration as governor, the state debt, which had accumulated under the previous administration, was paid, and the financial condition of the state rendered sound and healthy. The insane asylum was commenced with Thayer as one of a board of commissioners, and was about completed when his term expired. It is an imposing brick structure, capable of accommodating 400 or 500.

[77] Zenas Ferry Moody was a republican of New England and revolutionary stock, and has not been without pioneer experiences, coming to Oregon in 1851. He was one of the first U. S. surveying party which established the initial point of the Willamette meridian, and continued two years in the service. In 1853 he settled in Brownsville, and married Miss Mary Stephenson, their children being four sons and one daughter. In 1856 he was appointed

after a severe and prolonged contest between the friends of J. H. Mitchell and the democracy, uniting with the independents, was Joseph N. Dolph,[78] Mitchell's former partner and friend.

The time has not yet come, though it is close at hand, when Oregon-born men shall fill the offices of state, and represent their country in the halls of the national legislature. Then the product of the civilization founded by their sires in the remotest section of the national territory will become apparent. Sectionalism, which troubled their fathers, will have disappeared with hostility to British influences. Homogeneity and harmony will have replaced the feuds of the formative period of the state's existence. A higher degree of education will have led to a purer conception of public duty. Home-bred men will repel adventurers from other states, who have at heart no interests but their individual benefits.

When that period of progress shall have been reached, if Oregon shall be found able to withstand the temptations of too great wealth in her morals, and the oppressiveness of large foreign monopolies in her business, she will be able fully to realize the most sanguine expectations of those men of destiny, the Oregon Pioneers.

inspector of U. S. surveys in Cal., afterward residing for some time in Ill., but returning to The Dalles in 1862. The country being in a state of rapid development on account of the mining discoveries in the eastern part of the state and in Idaho, he established himself at Umatilla, where he remained in business for three years. In the spring of 1866 he built the steamer *Mary Moody* on Pend d'Oreille Lake, and afterward aided in organizing the Oregon and Montana Transportation Company, which built two other steamboats, and improved the portages. In 1867 he was merchandising in Boisé City, returning to The Dalles in 1869, where he took charge of the business of Wells, Fargo & Co. At a later period he was a mail contractor, and ever a busy and earnest man. He was elected in 1872 to the state senate, and in 1880 to the lower house, being chosen speaker. In 1882 he was nominated for governor, and elected over Joseph H. Smith by a majority of 1,452 votes. *Representative Men of Or.*, 1-111.

[78] Dolph was born in 1835, in N. Y., and educated at Genessee college, after which he studied law. He came to Oregon in 1862, where his talents soon made him prominent in his profession, and secured him a lucrative practice. He married, in 1864, a daughter of Johnson Mulkey, a pioneer of 1847, by whom he had 6 children. At the time of his election he was attorney for and vice-president of the Northern Pacific railroad.

CHURCHES AND CHURCH SCHOOLS.

THE early history of the Methodist Church is the history of the first American colonization, and has been fully given in a former volume; but a sketch of the Oregon methodist episcopal church proper must begin at a later date. From 1844 to 1853 the principal business transactions of the church were at the yearly meetings, without any particular authority from any conference.

On the 5th of September, 1849, the Oregon and California Mission Conference was organized in the chapel of the Oregon Institute, Salem, by authority of the general conference of 1848, by instructions from Bishop Waugh, and under the superintendence of William Roberts. The superintendents of the Oregon Mission were, first, Jason Lee, 1834–1844; George Gary, 1844–1847; William Roberts, 1847–1849, when the Mission Conference succeeded the Oregon Mission, under Roberts. The mission conference included New Mexico, and possessed all the rights and privileges of other similar bodies, except those of sending delegates to the general conference and drawing annual dividends from the avails of the book-concerns and chartered funds. Four sessions were held, the first three in Salem, and the fourth at Portland. Under the mission conference the following ministers were appointed to preach in Oregon: in 1849–50, W. Roberts, David Leslie, A. F. Waller, J. H. Wilbur, J. L. Parrish, William Helm, J. O. Raynor, J. McKinney, C. O. Hosford, and J. E. Parrott; in 1850–1, I. McElroy, F. S. Hoyt, and N. Doane were added; in 1851–2, L. T. Woodward, J. S. Smith, J. Flinn, and J. W. Miller; in 1852–3, Isaac Dillon, C. S. Kingsley, P. G. Buchanan, and T. H. Pearue—never more than fourteen being in the field at the same time.

In March 1853 Bishop E. R. Ames arrived in Oregon, and on the 17th the Oregon Annual Conference was organized, including all of Oregon and Washington, which held its first session at Salem, and gave appointments to twenty-two ministers, including all of the above-named except Leslie, Parrish, Helm, McElroy, McKinney, and Parrott, and adding G. Hines, H. K. Hines, T. F. Royal, G. M. Berry, E. Garrison, B. Close, and W. B. Morse. Since 1853 there have been from thirty-three to seventy-four preachers annually furnished appointments by the conference. In 1873 the conference was divided, and Washington and eastern Oregon set off, several of the pioneer ministers being transferred to the new conference. According to a sketch of church history by Roberts, there were, in 1876, 3,249 church members, and 683 on probation; 74 local preachers; 60 churches, valued at $167,750; parsonages valued at $29,850; Sunday-schools, 78; pupils, 4,469; teachers, 627; books in Sunday-school libraries, 7,678, besides periodicals taken for the use of children. The first protestant church edifice erected on the Pacific coast, from Cape Horn to Bering Strait, was the methodist church at Oregon City, begun in 1842 by Waller, and completed in 1844 by Hines. Abernethy added a bell in 1851, weighing over 500 pounds, the largest then in the territory. He also purchased two smaller ones for the churches in Salem and Portland, and one for the Clackamas academy at Oregon City. *Or. Statesman*, July 4, 1851. These were not the first bells in Oregon, the catholics having one at Champoeg, if not others. Religious services were held in Salem as early as 1841, at the Oregon Institute chapel, which served until the erection of a church, which was dedicated January 23, 1853, and was at this time the best protestant

house in Oregon. *Home Missionary*, xxvi. 115–6. About 1871 a brick edifice, costing $35,000, was completed to take the place of this one. A methodist church was also erected at South Salem.

The methodist church of Portland was organized in 1848, a church building was begun by Wilbur in 1850, and the first methodist episcopal church of Portland incorporated January 26, 1853. The original edifice was a plain but roomy frame building, with its gable fronting on Taylor Street, near Third. A reincorporation took place in 1867, and in 1869 a brick church, costing $35,000, was completed on the corner of Third and Taylor streets, fronting on Third. A second edifice was erected on Hall Street. During the year 1884, a new society, an offshoot from the Taylor-Street church, was organized under the name of the Grace Methodist Episcopal Church, taking with it $40,000 worth of the property of the former. The methodist church at The Dalles was built in 1862 by J. F. Devore, at a time when mining enterprises were beginning to develop the eastern portion of the state.

The methodists have been foremost in propagating their principles by means of schools, as the history of the Willamette University illustrates. In new communities these means seem to be necessary to give coherence to effort, and have proved beneficial. Willamette University, which absorbed the Oregon Institute, was incorporated January 12, 1853. It opened with two departments, a preparatory, or academic, and a collegiate course, and but few pupils took more than the academic course for many years. It had later six departments, thirteen professors and tutors, and four academies which fed the university. The departments were college of liberal arts, medical college, woman's college, conservatory of music, university academy, and correlated academies. *College Journal*, June 1882. The correlated academies were those of Wilbur, Sheridan, Santiam, and Dallas. The medical college, one of the six departments of the university, was by the unanimous vote of the faculty removed to Portland in 1877.

The Clackamas seminary for young ladies, established at Oregon City in 1851, was the combined effort of the methodists and congregationalists, and prospered for a time, but as a seminary has long been extinct; $11,000 were raised to found it, and John McLoughlin gave a block of land. Harvey Clark was the first teacher, after which Mrs Thornton and Mr and Mrs H. K. Hines taught in it. *Or. Spectator*, June 6, 1851; *Or. Argus*, Nov. 10, 1855. Santiam and Umpqua academies were established about 1854. La Creole Academic Institute, at Dallas, was incorporated in 1856. The incorporators were Frederick Waymire, William P. Lewis, John E. Lyle, Horace Lyman, Reuben P. Boise, Thomas J. Lovelady, Nicholas Lee, James Frederick, and A. W. Swaney. *Or. Laws*, 1860, 93. The act provided that at no time should a majority of the trustees be of one religious denomination. The academy is nevertheless at present one of the branches of the Willamette University. Philomath college, a few miles from Corvallis, is also controlled by a board of trustees elected by the annual conference. This college has an endowment of over $16,000 and a small general fund. The buildings are chiefly of brick, and cost $15,000.

The Portland academy was opened in 1852 by C. S. Kingsley and wife, who managed it for several years, and after them others. The property was worth, in 1876, $20,000, but the usefulness of the school, which had no endowment, had passed, and it has since suspended. *Hines' Or.*, 105–6; *Olympia Columbian*, Sept. 18, 1852; Pub. Instruc. Rept, in *Or. Mess. and Doc.*, 1876, 146. Corvallis college was founded by the methodist church south, in 1865, and incorporated August 22, 1868, since which time it has had control of the state agricultural college, as stated in another place; 150 students were enrolled in 1878. The Ashland college and normal school, organized in 1878 from the Ashland academy, is also under the management of the conference.

The Catholic Church, next in point of time, had a rude church at Champoeg on their first entrance into the Willamette valley in the winter of 1839–40. In February 1846 a plain wooden church was dedicated at Oregon City, and in November St Paul's brick church was consecrated at Champoeg. In

the autumn of 1851 a church was begun in Portland, which was dedicated in February 1852 by Archbishop Blanchet. In 1854 this building was removed to Stark Street, near Third, and ten years later had wings added for library and other uses, being reconsecrated in 1864. In 1871 the building was again enlarged, and used until 1878, when it was removed to make room for St Mary's cathedral, a fine brick structure costing $60,000, the corner-stone of which was laid in August of that year. *Portland Daily Bee*, May 16, 1878; *Portland Oregonian*, Aug. 24, 1878; *Portland Herald*, Feb. 9, 1873.

There is also in Portland the chapel of St Mary attached to the convent of the sisters of the most holy names of Jesus and Mary, between Mill and Market streets. The sisters have a day and boarding school, ordinarily attended by 150 pupils. St Joseph's day-school for boys, near the church, had an average attendance in 1868 of 75. St Michael's college, for the higher education of young men, is a later institution, and well supported. The church of St John the Evangelist, at the corner of Chamekata and College streets, Salem, was dedicated April 10, 1864. Forty or fifty families attend services here, and a large number of children receive instruction in the Sunday-school. The academy of the Sacred Heart, under the care of the sisters, a substantial brick structure, is a boarding and day school where eighty girls are taught the useful and ornamental branches. This institution was dedicated in 1863, but the present edifice was not occupied till 1873. There is also a catholic church, and the academy of Mary Immaculate at The Dalles, located on Third Street; St Mary's academy at Jacksonville, Notre Dame academy at Baker City, Mater Dolorosa mission at Grande Ronde reservation, and St Joseph's hall, a female orphan asylum, at Portland.

The oldest Congregational Church in Oregon is that of Oregon City, organized in 1844 by Harvey Clark, independent missionary, who also set on foot educational matters, and organized a church at Forest Grove. See *Atkinson's Cong. Church*, 1–3, a centennial review of congregationalism in Oregon. The American home missionary society about this time projected a mission to Oregon, and in 1847 sent George H. Atkinson and wife to labor in this field. They settled in Oregon City in June 1848, at the time the discovery of gold in California nearly depopulated that place. Atkinson, Eells, and Clark proceeded to form, with other congregationalists, the Oregon Association, which held its first meeting at Oregon City September 20th, and appointed, together with the presbyterian ministers, trustees for the Tualatin academy. *Home Missionary*, xxii. 43, 63. In November 1849 arrived Horace Lyman and wife, also sent out by the home missionary society in 1847, but who had lingered and taught for one year in San José, California. Lyman settled at Portland, where he began to build up a church. There were at Oregon City in 1849 but eight members, but they undertook to build a plain meeting-house, 24 by 40 feet, ceiled, and without belfry or steeple, the cost of which was $3,550.

Atkinson preached at Portland first in June 1849, in a log-house used as a shingle-factory. The congregation was attentive, and the citizens subscribed $2,000 to erect a school-house, which was to be at the service of all denominations for religious services. It was arranged that the congregational ministers should preach there once in two weeks. At the second meeting, in July, Captain Wood of the U. S. steamer *Massachusetts* was present, to the delight of the minister as well as the people. When Lyman arrived he began teaching and preaching in the school-house. *Portland Oregonian*, May 24, 1864; Lyman, in *Pac. Christian Advocate*, 1865. As there was then no church to organize in Portland, and as his salary was only $500—the rent of a dwelling being quite all of that—he was compelled to solicit aid. The town proprietors offered a lot. In the forest, on the rising ground at the south end of Second Street, Lyman made his selection, and $5,000 were subscribed, and the building, 32 by 48 feet, was begun. Lyman worked with his own hands in clearing the ground for his house and the church, and making shingles for the former, falling ill from his unwonted exertions and the malaria of the newly exposed earth. But the citizens of Portland came kindly to his assistance; he was nursed back to health; the house and church were completed,

chiefly by their aid, and on the 15th of June, 1851, the First Congregational Church of Portland was organized, with ten members, and the church edifice dedicated. This building had a belfry and small spire, and cost $6,400, seating some 400 persons. See Lyman, in *Cong. Asso. Or. Annual Meeting*, 1876, 35, a quarter-centennial review, containing a complete history of the First Congregational Church of Portland; also *Home Missionary*, xxiv. 137–8.

The membership of the other churches amounted to 50 at this time; 25 at Tualatin plains, 14 at Oregon City, three at Milwaukee, and eight at Calapooya, where a church was organized by H. H. Spalding; but congregations and Sunday-schools were sustained at a few other points.

In January 1852 the Oregon Association held its third annual meeting, five ministers being present. It was resolved that Atkinson should visit the eastern states to solicit aid for the educational work of the church, particularly of the Tualatin academy and Pacific university, and also that other parts of Oregon should be pointed out to the home missionary society as fields for missionaries. The result, in addition to the money raised, was the appointment of Thomas J. Condon and Obed Dickinson missionaries to Oregon, the former to St Helen, and the latter to Salem, where a church of four members had been organized. They arrived in March 1853, by the bark *Trade Wind*, from New York. Their advent led to the organization of two more of what may properly be styled pioneer churches.

Soon after the arrival of Dickinson, W. H. Willson of Salem offered two town lots. About half the sum required for a building was raised, while the church held its meetings in a school-house; but this being too small for the congregation, a building was purchased and fitted up for church services, in September 1854. It was not till 1863 that the present edifice, a modest frame structure, was completed and dedicated. Dickinson continued in the pastorate till 1867, when he resigned, and was succeeded by P. S. Knight. Condon went first to St Helen, where the town proprietor had erected a school-house and church in one, surmounted by a belfry with a good bell, and a small spire. This building, which is still standing, was not consecrated to the use of any denomination, but was free to all, and so remained. In 1854 Condon was appointed to Forest Grove. They were not able to build here till August 1859, when a church was erected, costing some $9,000. *Or. Statesman*, Aug. 30, 1859. Near the close of 1853 Milton B. Starr, who had preached for several years in the western states, came to Albany, Oregon, and organized a church. The following spring Lyman was sent to Dallas to preach, and Portland was left without a pastor. In 1859 Condon organized a church at The Dalles, building in 1862. He remained at The Dalles for many years, leaving there finally to go to Forest Grove, where his attainments in natural science were in demand. On the opening of the state university he accepted a professorship in that institution. Atkinson was settled as pastor of the church in Portland in 1863, where he continued some ten years, when, his health failing, he went north to establish congregations. During his pastorate a new church edifice was erected on the ground selected in 1850; and more recently Plymouth church on Fourteenth and E streets. The organized congregational churches reported down to 1878 were nine: Albany, Astoria, Dalles, Forest Grove, Hillsboro, Oregon City, Portland, East Portland, and Salem. *Cong. Asso. Minutes*, 1878, 51. Plymouth church was a later organization.

Pacific university, founded by congregationalists, was non-sectarian. It had $50,000 in grounds and buildings, $4,000 in cabinet and apparatus, $33,000 in productive funds, and a library containing 5,000 volumes.

The first minister of the Presbyterian denomination in Oregon was Lewis Thompson, a native of Kentucky, and an alumnus of Princeton theological seminary, who came to the Pacific coast in 1846 and settled on the Clatsop plains. *Wood's Pioneer Work*, 27. There is a centennial history of the presbytery of Oregon, by Edward R. Geary, in *Portland Pac. Christian Advocate*, July 27, 1876. On the 19th of September, 1846, Thompson preached a sermon at the house of W. H. Gray, albeit there were none to hear him except a ruling elder from Missouri, Alva Condit, his wife Ruth Condit, and Gray and

his wife. Truman P. Powers of Astoria was the first ordained elder of the presbyterian church on the Pacific coast. He came to Oregon in 1846. In October Thompson was joined by a young minister from Ohio, Robert Robe, and on the 19th of November they, together with E. R. Geary of Lafayette, at the residence of the latter, formed the presbytery of Oregon, as directed by the General Assembly at its session in that year.

In 1853 there were five presbyterian ministers in Oregon, the three above-mentioned, J. L. Yantis, and J. A. Hanna. The latter had settled at Marysville (now Corvallis) in 1852 and organized a church, while Yantis had but recently arrived. A meeting of the presbytery being called at Portland in October, Hanna and Yantis became members, and it was determined to organize a church in that place, of which Yantis was to have charge, together with one he had already formed at Calapooya. This was accordingly done; and through the stormy winter the resolute preacher held service twice a month in Portland, riding eighty miles through mud and rain to keep his appointments, until an attack of ophthalmia rendered it impracticable, and George F. Whitworth, recently arrived with the design of settling on Puget Sound, was placed temporarily in charge of the church in Portland. On his removal to Washington the society became disorganized, and finally extinct.

Meantime Thompson had built a small church at Clatsop, and was pursuing his not very smooth way in that foggy, sandy region, where he labored faithfully for twenty-two years before he finally removed to California. Robe organized a church at Eugene City in 1855, remaining there in the ministry till 1863, during which time a building was erected. Geary, who had undertaken a boarding-school, became involved in pecuniary embarrassment, and was compelled to take a clerkship under Palmer in the Indian department; but being discharged for seeming to covet the office of his employer, he took charge of the Calapooya church, and organized that of Brownsville, where he fixed his residence, and where a church building was erected by the members. A charter was procured from the legislature of 1857–8 for the Corvallis college, which would have been under the patronage of the presbyterians had it reached a point where such patronage could be claimed. There is nothing to show that it was ever organized.

An effort was made about the beginning of 1860 to revive the presbyterian church in Portland. McGill of the Princeton seminary, being appealed to, procured the coöperation of the Board of Domestic Missions, and P. S. Caffrey was commissioned to the work. He preached his first sermon in the court-house June 15, 1860. On the 3d of August the first presbyterian church of Portland was reorganized by Lewis Thompson of Clatsop, with seventeen members, and regular services held in a room on the corner of Third and Madison streets. Caffrey's ministrations were successful; and in 1863 the corner-stone of a church edifice was laid on Third and Washington streets, which was finished the following year, at a cost of $20,000. *Geary's Or. Presbytery*, 2; *Portland Herald*, Jan. 26, 1873; *Deady's Scrap-Book*, 43, 85. When in 1869 Caffrey resigned his charge to Lindsley, there was a membership of 103, and the finances of the church were in good condition. In 1882 the church divided, and a new edifice was erected, costing $25,000, at the north-east corner of Clay and Ninth streets, called Calvary Presbyterian Church, with E. Trumrell Lee first pastor. The church edifice at Corvallis was begun in 1860 and completed in 1864, at a cost of $6,000, Hanna contributing freely of his own means. Richard Wylie, assigned by the board of missions to this place in the latter year, was the first pastor regularly installed in this church. Richard Wylie was one of three sons of James Wylie, who graduated together at Princeton. In 1865 the father and James and John, Richard's brothers, came to the Pacific coast, James accepting a pastorate in San José, California, and John being assigned to the church in Eugene City. James Wylie, sen., was examined for the ministry by the Oregon presbytery, licensed to preach, and finally ordained for the full ministry. *Geary's Or. Presbytery*, 2.

In 1866 the presbytery consisted of the ministers above named, with the addition of W. J. Monteith, Anthony Simpson, and J. S. Reasoner, the former

assigned to Albany, and Simpson to Olympia, which by the lapse of the Puget Sound presbytery, erected in 1858, came again under the care of Oregon. A church was organized at Albany by Monteith, and a private classical school opened, which grew into the Albany collegiate institute under the care of the presbytery, a tract of five acres being donated by Thomas Monteith, one of the town owners, and brother of W. J. Monteith. The citizens erected a substantial building, and in spite of some drawbacks, the institution grew in reputation and means. Reasoner was not called upon to labor for the church, being advanced in years and a farmer. In 1868 H. H. Spalding, whom the congregational association had advised to accept an Indian agency, became a member of the presbytery, but he was not given charge of a church, being broken in mind and body by the tragedy of Waiilatpu. His death occurred at Lapwai, where he was again acting as missionary to the Nez Perces, August 3, 1874, at the age of 73 years. The first presbyterian church of Salem was organized May 20, 1869, with sixteen members. Their church edifice was erected in 1871, at a cost of $6,000. Within the last ten years churches have been organized and houses of worship erected in Roseburg, Jacksonville, and Marshfield in southern Oregon.

All that has been said above of presbyterians relates to the old-school division of that church. There were in Oregon, however, others, under the names of Cumberland presbyterians, associate presbyterians, and associate reformed. In 1851 James P. Millar, of Albany, N. Y., arrived in Oregon as a missionary of one of these latter societies; but finding here 200 members and half a dozen ministers of the two societies, he entered into a scheme to unite them in one, to be known as the United Presbyterian church of Oregon, constituting one presbytery, and being independent of any allegiance to any ecclesiastical control out of Oregon. The men who formed this church were James P. Millar, Thomas S. Kendall, Samuel G. Irvine, Wilson Blain, James Worth, J. M. Dick, and Stephen D. Gager. *Or. Statesman*, Dec. 18, 1852. In 1858 they founded the Albany academy, with Thomas Kendall, Delazon Smith, Dennis Beach, Edward Geary, Walter Monteith, J. P. Tate, John Smith, James H. Foster, and R. H. Crawford trustees. This school was superseded by the Albany institute in 1867. *Or. Laws, Special*, 1857–8, 9–10; *Mess. and Docs, Pub. Instruction*, 1878, 81–2. A college, known as the Sublimity, was created by legislative act in January 1858, to be controlled by the United Brethren in Christ; but whether this was a school of the united presbyterians I am unable to determine.

The pioneer of the Cumberland presbyterians was J. A. Cornwall of Arkansas, who came to Oregon in 1846 by the southern route, as the reader may remember. Cornwall was the only ordained minister until 1851, when two others, Neill Johnson of Illinois, and Joseph Robertson of Tennessee, arrived. By order of the Missouri synod, these ministers met in 1847, at the house of Samuel Allen in Marion county, and formed the Oregon presbytery of the Cumberland presbyterian church, W. A. Sweeney, another minister, being present. Five ruling elders, who had partially organized congregations, were admitted to seats in the presbytery, as follows: John Purvine from Abiqua, Joseph Carmack from La Creole, Jesse C. Henderson from Yamhill, David Allen from Tualatin, and D. M. Keen from Santiam. There were at this time four licentiates in the territory; namely, B. F. Music, John Dillard, William Jolly, and Luther White. The whole number of members in communion was 103.

There was no missionary society to aid them, the ministers being supported by voluntary offerings. But in the spring of 1853 an effort was made to raise funds to found a college under their patronage, and in the following year a building was erected at Eugene City, costing $4,000, with an endowment fund amounting to $20,000. The school was opened in November 1856, under the presidency of E. P. Henderson, a graduate of Waynesville college, Pennsylvania, with fifty-two students. Four days after this auspicious inauguration the college building was destroyed by an incendiary fire. Not to be defeated, however, another house was procured and the school continued,

while a second building was erected at a cost of $3,000, the second session doubling the number of students. The attendance increased to 150 in 1857, but again, on the night of the 26th of February, 1858, the college was burned. A stone building was then begun, and the walls soon raised. Before it was completed a division took place on the issue of bible-reading and prayer in the school, and those opposed to these observances withdrew their aid, and the unfinished building was sold by the sheriff to satisfy the mechanics. I find among the *Oregon Special Laws* of 1857-8 an act incorporating the Union University Association, section 4 of which provides that the 'utmost care shall be taken to avoid every species of preference for any sect or party, either religious or political.' This was probably the form of protest against sectarian teaching which destroyed the prospects of the Cumberland school. Henderson, after a couple of sessions in a rented house, seeing no hope for the future, closed his connection with the school, which was suspended soon after, and never revived.

About 1875 W. R. Bishop of Brownsville completed a commodious school building as an individual enterprise, and established a school under the name of Principia Academy, with a chapel attached. In 1861 the Oregon Cumberland presbytery was divided, by order of the Sacramento synod to which it belonged, and all of Oregon south of Calapooya Creek on the east side of the Willamette River, and all south of La Creole River on the west side of the Willamette, was detached and made to form the Willamette presbytery, while all north of that retained its former name. In 1874 the Oregon presbytery was again divided, that part east of the Cascade Mountains and all of Washington being set off and called the Cascade presbytery, with four ordained ministers, the Oregon presbytery having begun its operations in the Walla Walla Valley in 1871, when A. W. Sweeney organized a church at Waitsburg with eighteen members, since which time several others have been formed, and churches erected. By order of the general assembly of the Cumberland in May 1875, the Oregon synod was constituted, composed of these three presbyteries, which have in communion 700 members, and own thirteen houses of worship, worth $19,000. See centennial sketch by Neill Johnson, in *Portland Pac. Christian Advocate*, May 4, 1876.

Among the early immigrants to Oregon were many Baptists, this denomination being numerous in the western and south-western states. As early as 1848 a society was organized and a church building erected at Oregon City. Other churches soon followed, Portland having an organized society in 1855, although not in a flourishing state financially. It was not until June 1860 that a missionary, Samuel Cornelius of Indianapolis, arrived, appointed by the American Baptist Home Mission, to labor in Portland. His introductory sermon was preached in the methodist church on the first Sunday in July, but a public hall was soon secured, and the organization of the Frst Baptist Church of Portland took place on the 12th of August, with twelve members; namely, Samuel Cornelius and wife, Josiah Failing and wife, Douglas W. Williams, Elizabeth Failing, Joshua Shaw and wife, R. Weston and wife, and George Shriver and wife. *First Baptist Church Manual*, 1. This small body made a call on Cornelius to become their pastor, which was accepted, and on him and the two deacons, Williams and Failing, devolved the task of building a house of worship. A half-block of land on the corner of Fourth and Alder streets had been donated for the site of a baptist church by Stephen Coffin several years before, and on this was begun a building, which was so far completed by January 5, 1862, that its basement was occupied for religious services. In September 1864 Cornelius returned to the east, leaving a membership of 49 persons, and the church was without a pastor for two years, during which the deacons sustained as best they could the burden of the society to prevent it from falling to pieces. Then came E. C. Anderson of Kalamazoo, Michigan, sent by the Home Mission Society to act as pastor, in December 1866. The church was incorporated in March 1867. Anderson continued in the pastorate five years, and increased the membership to seventy, the church edifice costing $12,500, being dedicated in January 1870. The incorporators were Josiah

Failing, Joseph N. Dolph, W. S. Caldwell, John S. White, George C. Chandler, and W. Lair Hill. Again no one was found to supply the place of pastor for a year and a half, when A. R. Medbury of San Francisco accepted a call, and remained with this church three years, during which forty new members were added, and a parsonage was presented to the society by Henry Failing, since which time the church has been fairly prosperous. In 1861 the number of baptists in Oregon was 484, of churches 13, and ordained ministers 10.

The first baptist school attempted was Corvallis Institute, which seems not to have had any history beyond the act of incorporation in 1856–7. An act was also passed the following year establishing a baptist school under the name of West Union Institute, in Washington county, with David T. Lennox, Ed H. Lennox, Henry Sewell, William Mauzey, John S. White, and George C. Chandler as trustees. At the same session a charter was granted to the baptist college at McMinnville, a school already founded by the Disciple or Christian church, and turned over to the baptists with the belongings, six acres of ground and a school building, as a free gift, upon condition that they should keep up a collegiate school. The origin of McMinnville and its college was as follows: In 1852–3, W. T. Newby cut a ditch from Baker Creek, a branch of the Yamhill River, to Cozine Creek, upon his land, where he erected a grist-mill. In 1854 S. C. Adams, who lived on his donation claim 4 miles north, took a grist to mill, and in the course of conversation with Newby remarked upon the favorable location for a town which his land presented, upon which Newby replied that if he, Adams, would start a town, he should have half a block of lots, and select his own location, from which point the survey should commence. In the spring of 1855 Adams deposited the lumber for his house on the spot selected, about 200 yards from the mill, and proceeded to erect his house, where, as soon as it was completed, he went to reside. Immediately after he began to agitate the subject of a high school as a nucleus for a settlement, and as he and most of the leading men in Yamhill were of the christian church, it naturally became a christian school. James McBride, William Dawson, W. T. Newby, and Adams worked up the matter, bearing the larger part of the expense. Newby gave six acres of land. The building erected for the school was large and commodious for those times. Adams, who was a teacher by profession, was urged to take charge of the school, and taught it for a year and a half. Among his pupils were John R. McBride, L. L. Rowland, J. C. Shelton, George L. Woods, and Wm D. Baker. But there had not been any organization, or any charter asked for, and Adams, who found it hard and unprofitable work to keep up the school alone, wished to resign, and proposed to the men interested to place it in the hands of the baptists, who were about founding the West Union Institute. To this they made no objection, as they only wished to have a school, and were not sectarian in feeling. Accordingly, Adams proposed the gift to the baptists, and it was accepted, only one condition being imposed, and agreed to in writing, to employ at least one professor in the college department continuously. It was incorporated in January 1858 as the baptist college at McMinnville, by Henry Warren, James M. Fulkerson, Ephriam Ford, Reuben C. Hill, J. S. Holman, Alexius N. Miller, Richard Miller, and Willis Gaines, trustees. The Washington county school was allowed to drop, and the McMinnville college was taken in charge by G. C. Chandler in the collegiate department, and Mrs N. Morse in the preparatory school. The incorporated institution received the gift of twenty acres of land for a college campus from Samuel and Mahala Cozine and Mrs P. W. Chandler. It owned in 1882 three thousand dollars in outside lands, a building fund of twenty-one thousand dollars, and an endowment fund of over seventeen thousand, besides the apparatus and library. From addresses by J. N. Dolph and W. C. Johnson in *McMinnville College and Catalogue, 1882*. A new and handsome edifice has been erected, whose corner-stone was laid in 1882. The *Beacon*, a monthly denominational journal, was published at Salem as the organ of the baptists.

Several attempts were made to have colleges free from sectarian influence, which rarely succeeded. The Jefferson institute, incorporated in January

1857, and located at Jefferson, is an exception. This school is independent, and has been running since its founding in 1856-7. Any person may become a member by paying $50 into the endowment fund, which amounts to about $4,000. The board consists of fifteen trustees, five of whom are annually elected by the members. Three directors are elected by the board from their own number, who have the general management of school affairs. The first board of trustees were Geo. H. Williams, J. H. Harrison, Jacob Conser, E. E. Parrish, W. F. West, T. Small, H. A. Johnson, C. A. Reed, N. R. Doty, J. B. Terhune, J. S. Miller, James Johnson, L. Pettyjohn, Manuel Gonzalez, and Andrew Cox. Mrs Conser gave a tract of land in eight town lots. The building cost $3,000. C. H. Mattoon was the first teacher, in 1857. *Portland Pac. Advocate*, Feb. 24 and March 2, 1876; *Rept of Supt Pub. Instruc.*, 1878, 91-2. The number of pupils in 1884 was about one hundred. The curriculum does not embrace a college course, but only the preparatory studies. The Butteville Institute, established by legislative act in January 1859, was an independent school, which, if ever successful, is now out of existence.

The pioneer of the Protestant Episcopal Church in Oregon was St M. Fackler, who crossed the plains with the immigration of 1847 in search of health, of whom I have spoken in another place. He found a few members of this church in Oregon City, and held occasional services in 1848 at the house of A. McKinlay, but without attempting to organize a church. The first missionary of the episcopal church in the east was William Richmond of the diocese of New York, appointed by the Board of Domestic Missions in April 1851 to labor in Oregon, and who organized congregations at Portland, Oregon City, Milwaukee, Salem, Lafayette, and other places before the close of that year, adding Champoeg, Chehalem, and Tualatin plains the following year. In the fall of 1852 he was joined by James A. Woodward of the diocese of Pennsylvania, who like Fackler had made the overland journey to better his physical condition, and had succeeded, which Fackler did not. After the arrival of Woodward, services were held in the congregational church at Oregon City until a room was fitted up for the purpose.

In January 1853 John McCarty of New York diocese arrived as army chaplain at Vancouver. At this time there were about twenty members in Portland who formed Trinity Church organization. At the meeting of the general convention held in New York in October 1853, Thomas Fielding Scott of the diocese of Georgia was elected missionary bishop of Oregon and Washington, but before his arrival Richmond and Woodward had returned to the east, leaving only Fackler and McCarty as aids to the bishop. Two church edifices had already been erected, the first, St John's at Milwaukee, the second, Trinity at Portland. The latter was consecrated September 24th, about three months after the arrival of Scott. In 1855 the church at Milwaukee and another at Salem were consecrated, but without any increase of the clerical force until late in this year, when Johnston McCormack, a deacon, arrived, who was stationed temporarily at Portland. In 1856 arrived John Sellwood and his brother, James R. W. Sellwood; but having been wounded in the Panamá riot of that year, John was not able for some months to enter upon his duties. His brother, however, took charge of the church at Salem. The first episcopal school for boys was opened this year at Oswego, under the management of Bernard Cornelius, who had recently taught in Olympia, and was a graduate of Dublin university. Seventy acres of land, and a large dwelling-house, pleasantly situated, were purchased for this purpose. James I. Daly was ordained deacon in May, giving a slight increase to the few workers in the field. St Mary's church at Eugene City was consecrated in January 1859 by Bishop Scott; and there arrived, also, this year five clergymen, Carlton P. Maples, T. A. Hyland, D. E. Willes, W. T. B. Jackson and P. E. Hyland. Two of them returned east, and one, P. E. Hyland, went to Olympia. T. A. Hyland married a daughter of Stearns of Douglas county. He was for many years a pastor and teacher at Astoria, but returned to Canada afterward. St Paul's chapel at Oregon City was dedicated in the spring of 1861; and in the autumn Scott opened a girls' school at Milwaukee,

which was successful from the first. *The Oregon Churchman*, a small monthly publication in the interests of the church, was first issued this year.

The episcopal church was making steady advances when in 1867 Bishop Scott died, universally lamented. Over 200 persons had been confirmed, not all of whom remained steadfast during an interval of two years when the diocese was without a head. A fresh impetus was imparted to the life of the church when a new missionary bishop, B. Wistar Morris, arrived in Oregon, in June 1869. A block of land was purchased in Portland, on Fourth Street, between Madison and Jefferson, and St Helen Hall built. By the 6th of September it had fifty pupils. In the following year it was enlarged, and began its second year with 125 pupils. The Scott grammar and divinity school for boys was erected in 1870, on a tract of land in the western part of Couch's addition, commanding a fine view of Portland and the Willamette River. Both of these institutions were successful, the grammar school having to be enlarged in 1872. The building was burned in November 1877, but rebuilt larger than before, at a cost of $25,000. In the same year the congregation of trinity church erected a new edifice on the block occupied by the former one between Oak and Pine, but facing on Sixth Street, and costing over $30,000, the bishop being assisted by several clergymen. A church had been organized in Walla Walla by Wells, who extended his labors to several of the towns of eastern Oregon in 1873. In 1874 the bishop laid the corner-stones of five churches, and purchased four acres of land in the north-western quarter of Portland, on which was erected a hospital and orphanage, under the name of Good Samaritan. the energy of Morris and the liberality of the people of Portland placing the episcopal society in the foremost rank in point of educational and charitable institutions. When Scott entered upon his diocese, it included all of the original territory of Oregon, but occupied later only Oregon and Washington. In the latter, in 1876, there were seven churches, one boarding-school for girls—at Walla Walla—one parish school, one rectory, and 157 communicants. *Episcopal Church in Or.*, a history prepared for the centennial commissioners, 1876, Vancouver, 1876; *Seattle Intelligence*, Aug. 24, 1879.

Among the other religious denominations of Oregon were the Campbellites. Like the other churches, they knew the value of sectarian schools, and according to one of their elders, would have had one in every county had it been practicable. As I have before said, they founded the school at McMinnville, which became a baptist college, James McBride, William Dawson, and S. C. Adams erecting the first college building. Adams taught the school just previous to its transfer. A little later than the McMinnville school was the founding of the Bethel Academy in 1856. The promoters of this enterprise were Elder G. O. Burnett, Amos Harvey, Nathaniel Hudson, and others. In 1855 it was chartered by the legislature as the Bethel Institute. In October they advertised that they were ready to receive pupils, and also that 'students will be free to attend upon such religious services on each Lord's day as they may choose.' The institute opened in November with fifty or sixty pupils in attendance, and we learn that 'Judge Williams addressed the people' at a meeting of the trustees in February following. L. L. Rowland and N. Hudson were teaching in 1859, and in 1860 the act of incorporation was amended to read Bethel College. *Or. Laws*, 1860, 102-3. At this time the Bethel school was prosperous. It had a well-selected library, and choice apparatus in the scientific departments.

But Bethel had a rival in the same county. In 1855 measures were taken to found another institution of learning, the trustees chosen being Ira F. Butler, J. E. Murphy, R. P. Boisé, J. B. Smith, S. Simmons, William Mason, T. H. Hutchison, H. Burford, T. H. Lucas, D. R. Lewis, and S. S. Whitman. This board organized with Butler for president, Hutchison secretary, and Lucas treasurer. A charter was granted them the same year, incorporating Monmouth University; 460 acres of land were donated, Whitman giving 200, T. H. Lucas 80. A. W. Lucas 20, and J. B. Smith and Elijah Davidson each 80. This land was laid out in a town site called Monmouth, and the lots sold to persons desiring to reside near the university. In the abundant

charity of their hearts, and perhaps with a motive to popularize their institution, the trustees passed a resolution to establish a school for orphans in connection with the university; but this scheme being found to be impracticable, it was abandoned, and the money subscribed to the orphan school refunded.

Notwithstanding its ambitious title, the Monmouth school only served to divide the patronage which would have been a support for one only, and after ten years of unprofitable effort, it was resolved in convention by the christian church to unite Bethel and Monmouth, under the name of Monmouth Christian College, which was done. The first session of this college is reckoned from October 1866 to June 1867. The necessity for an endowment led, in 1868, to the sale of forty scholarships at five hundred dollars each, by which assistance the institution became fairly prosperous. On the organization of the college, L. L. Rowland of Bethany college, Virginia, was made principal, with N. Hudson assistant. In 1869 a more complete organization took place, and T. F. Campbell, a native of Mississippi and graduate of Bethany college, was placed at the head of the college as principal, being selected president the following year, a situation which he held for thirteen years with profit to the management. A substantial brick building was erected, a newspaper, the *Monmouth Christian Messenger*, published, and the catalogue showed 250 students. In 1882 Campbell resigned and returned to the east, leaving the college on as good a basis as any in the state, having graduated twenty-three students in the classical and forty-one in the scientific course. The college property is valued at twenty thousand dollars, and the endowment twenty-five thousand. The census of 1870 gives the number of christian churches at twenty-six, and church edifices at sixteen. At a christian coöperation convention held at Dallas in 1877, thirty-one societies were represented. Later a church was organized in Portland, and a building erected for religious services.

Baker City Academy, an incorporated institution, was opened in 1868, with F. H. Grubbe principal, assisted by his wife, Jason Lee's daughter. Grubbe subsequently took charge of The Dalles high school, his wife dying at that place in 1881. He was succeeded in the Baker City academy by S. P. Barrett, and later by William Harrison. As the pioneer academy of eastern Oregon, it did a good work. The corner-stone of the Blue Mountain University at La Grande was laid in 1874. In 1878 it was in successful operation, with colleges of medicine, law, and theology promised at an early day. In addition to the preparatory and classical departments, there were two scientific courses of four years. The school was non-sectarian. G. E. Ackerman was first president. A good school was also established at Union, and the Independent Academy at The Dalles. The latter institution acquired possession of the stone building partially erected for a mint in 1869–70, but presented to the state when the mint was abandoned, and by the state transferred to this school.

The First Unitarian Church of Portland, incorporated in 1865 by Thomas Frazier, E. D. Shattuck, and R. R. Thompson, was the first of that denomination in the state. Its first house of worship was located on the corner of Yamhill and Seventh streets, a plain building of wood, the lot costing $7,000, with free seats for 300 people. Its pastor, T. L. Eliot, drew to this modest temple goodly congregations; the society grew, and in 1878 was laid the corner-stone of the present church of Our Father, one of the most attractive edifices in the city, which was dedicated in 1879. *Olympia Unitarian Advocate*, Aug. 1878; *Portland Oregonian*, July 27, 1878, June 14, 1879. There is a small number of universalists in the state. They had a church at Coquille City, organized by Zenas Cook, missionary of this denomination. They erected a place of worship in 1878.

The Evangelical Lutherans organized a church at Portland in 1867, A. Myres, of the general synod, acting. A house of worship was erected in 1869, being the first lutheran church in Oregon. Through some mismanagement of the building committee, the church became involved in debt, and after several

years of struggle against adverse circumstances, the building was sold by the sheriff in May 1875. Another lutheran church was organized in 1871, by A. E. Fridrichsen, from the Danes, Swedes, and Norwegians of Portland, and incorporated June 9, 1871, under the name of the Scandinavian Evangelical Lutheran Church of Portland. Being offered building ground in East Portland by James B. Stephens and wife, they built there, but services were also held in the basement of the first presbyterian church, where a discourse in the Swedish tongue was preached Sunday evenings. As there was considerable immigration from the Scandinavian and German countries, the lutheran church rapidly increased in Oregon and Washington. From centennial report by A. Emil Fridrichsen, in *Portland Christian Advocate*, May 11, 1876.

Portland had also a German church, an African Methodist Episcopal Zion church, two Jewish societies, Beth Israel with a synagogue at the corner of Fifth and Oak, and Ahavai Sholom with a synagogue on Sixth street, between Oak and Pine, and a Chinese temple on Second street, between Morrison and Adler streets.

The Seventh-Day Adventists had a church incorporated in September 1878, at Milton, Umatilla county, by J. C. Burch, W. Russell, and W. J. Goodwin.

The First Society of Humanitarians of Astoria was incorporated in January 1878, by James Taylor, L. O. Fruit, and John A. Goss.

The Methodist G. Church South was organized at Wingville, Baker county, in 1878, Hiram Osborne, C. G. Chandler, and E. C. Perkins, trustees.

The Emanuel Church of the Evangelical Association of North America, of Albany, was incorporated July 22, 1878, by E. B. Purdom, F. Martin, and L. G. Allen.

There were Hebrew Congregations at Astoria and Albany. *Or. Sec. State Rept*, 1878, 112–20.

The latest available statistics, those of 1875, gave the number of religious organizations in Oregon, of all denominations, at 351, with 242 churches, 320 clergymen, 14,324 communicants, and 71,630 adherents. The assessed value of the church property was $654,000. During the years following there was a large increase in numbers and property. With respect to numbers, the different denominations rank as follows: Methodists, baptists, catholics, episcopalians, congregationalists, and other minor sects.

PUBLIC SCHOOLS AND BENEVOLENT INSTITUTIONS.

That section of the organic act which conferred 1,280 acres of land upon every township for the support of public schools made a system of free education obligatory upon the people, and one of the first acts of the legislature of 1849 was a law in consonance with this gift, providing for the appropriation of the interest of the money arising from the sale of school lands to the purposes of public insruction. The law, in a revised form, exists still. But the income of the school fund arising from sales of school land was not sufficient for the support of the common schools, and in 1853–4 the revised law provided for levying a tax in every county, of two mills on the dollar, and also that the county treasurer should set apart all moneys collected from fines for breach of any of the penal laws of the territory, in order to give immediate effect to the educational system. The legislature of 1854–5 made every school district a body corporate to assess and collect taxes for the support of the public schools for a certain portion of the year.

When Oregon became a state it was even more richly endowed with lands for educational purposes, and in its constitution generously set apart much of its dower for the same purpose. In 1876 the common-school fund amounted to over half a million dollars. For the school year of 1877–8 the interest on the school fund amounted to over $48,000. As the fund increases with the gradual sale of the school lands, it is expected that an amount will eventually be realized from the three million acres remaining which will meet the larger part of the expense of the public schools. In Portland, where the schools are-

more perfectly graded than elsewhere, the cost per year for each pupil has been about twenty-one dollars. The total value of public school property in the state in 1877–8 was nearly half a million dollars, comprising 752 school-houses and their furniture. The lowest average monthly salary in any county was thirty-five dollars, and the highest seventy-one. *Biennial Rept Supt Pub. Instruc. Or.*, 1878, 26. The course of study in the common schools, which is divided into seven grades, preparatory to the high-school course, is more fully exemplified in Portland than elsewhere. The whole city is comprised in one district, with buildings at convenient distances and of ample size. The Central school was first opened in May 1858. It was built on a block of land between Morrison and Yamhill and Sixth and Seventh streets, for which in 1856 $1,000 was paid, and a wing of the main building erected, costing $3,000, the money being raised by taxation, according to the school law. The following year another $4,000 was raised and applied to the completion of the building; 111 pupils were present at the opening, the principal being L. L. Terwilliger, assisted by O. Connelly and Mrs Hensill. In 1872–3 the original structure was moved and added to, making a new and commodious house at a cost of over $30,000. In 1883, the block on which it stood being needed for a hotel, the building was moved to a temporary resting-place on the next block north. The second school building was erected in 1865, at the corner of Sixth and Harrison streets, eleven blocks south of the Central, at a cost of about ten thousand dollars. It was twice enlarged, in 1871 and 1877, at a total cost of nearly $21,000. The Harrison-Street school was opened in January 1866 by R. K. Warren, principal, assisted by Misses Tower, Stephens, and Kelly. In May 1879 it was nearly all destroyed by fire, but was rebuilt the same year at a cost of $18,000, and reopened in February 1880. The third school building erected in the district was called the North School, and was located between Tenth and Eleventh and C and D streets, in Couch's Addition. It was built in 1867, the block and house costing over seventeen thousand dollars. Two wings were added in 1877, with an additional expenditure of over four thousand. The first principal was G. S. Pershin, assisted by Misses May, Northrup, and Polk. The fourth, or Park School, was erected in 1878–9, on Park Street, at a cost of $42,000. The high school occupied the upper floor, and some grammar classes the lower. Each of these four schools had in 1880 a seating capacity of some 650, while the attendance was about four hundred and seventy-five for each. Two fine school buildings have been added since 1880, one in the north end of the city, called the Couch School, and one in the south end, named the Failing School, after two prominent pioneers of Portland. There was a high school, three stories and basement, of the most modern design, which cost $150,000.

The State University, which received an endowment from the general government of over 46,000 acres of land, has realized therefrom over $70,000, the interest on which furnishes a small part of the means required for its support, the remainder being derived from tuition fees. The institution passed through the same struggles that crippled private institutions.

After expending the money appropriated by congress in political squabbles, it was for a long time doubtful if a university would be founded within the generation for whom it was intended, when Lane county came to the rescue in the following manner: The citizens of Eugene City resolved in 1872 to have an institution of learning of a higher grade than the common schools. An association was incorporated in August of that year, consisting of J. M. Thompson, J. J. Walton, Jr, W. J. J. Scott, B. F. Dorris, J. B. Underwood, J. J. Comstock, A. S. Patterson, S. H. Spencer, E. L. Bristow, E. L. Applegate, and A. W. Patterson, of Lane county, which was called the Union University Association, with a capital stock of $50,000, in shares of $100 each. During the discussions consequent upon the organization, a proposition was made and acted upon, to endeavor to have the state university located at Eugene. When half the stock was subscribed and directors elected, the matter was brought before the legislature, of which A. W. Patterson was a member. An act was passed establishing the state university

in September 1872, upon the condition that the Union University Association should procure a suitable building site, and erect thereon a building which with the furniture and grounds should be worth not less than $50,000, the property to be deeded to the board of directors of the state university free of all incumbrances, which was done. The law provided that the board of state university directors should consist of six appointed by the governor, and three elected by the Union University Association. The governor appointed Matthew P. Deady, L. L. McArthur, R. S. Strahan, T. G. Hendricks, George Humphrey, and J. M. Thompson, the three elected being B. F. Dorris, W. J. J. Scott, and J. J. Walton, Jr. At the first meeting of the board, in April 1873, Deady was elected president.

The legislature gave substantial aid by appropriating $10,000 a year for 1877–8. Eighteen acres of land were secured in a good situation, and a building erected of brick, 80 by 57 feet, three stories in height, with porticoes, mansard roof, and a good modern arrangement of the interior; cost, $80,000.

It was necessary to provide for a preparatory department. The institution opened October 16, 1876, with 80 pupils in the collegiate and 75 in the preparatory departments; 43 in the collegiate department were non-paying, the university law allowing one free scholarship to each county, and one to each member of the legislature. Owing to the want of money, there was not a full board of professors; those who were first to organize a class for graduation had many difficulties to contend with. The first faculty consisted only of J. W. Johnson, president and professor of ancient classics, Mark Bailey, professor of mathematics, and Thomas Condon, professor of geology and natural history. The preparatory school was in charge of Mrs Mary P. Spiller, assisted by Miss Mary E. Stone. From these small beginnings was yet to grow the future university of the state of Oregon. In 1884 there were 7 regular professors, 2 tutors, 215 students, and 19 graduates. *Regents' Rept, 1878, State University; Or. Mess. and Docs*, 1876, 148–53; *Deady's Hist. Or.*, MS., 55; *Univer. Or. Catalogue*, 1878, 18.

State institutions for the education of deaf, dumb, and blind persons remained backward. The deaf-and-dumb school at Salem was organized in 1870, with thirty-six pupils in attendance, in the building formerly occupied by the academy of the Sacred Heart, which was removed into a new one. The legislature provided by act of 1870 that not more than $2,000 per annum of public money should be expended on the instruction of deaf-mutes. The legislature of 1874 appropriated $10,000 for their maintenance, and the legislature of 1876, $12,000. The first appropriation for the blind was made in 1872, amounting to $2,000; in 1874, $10,000 was appropriated; in 1876, $8,000; and in 1878 a general appropriation of $10,000 was made, with no directions for its use, except that it was to pay for teachers and expenses of the deaf, dumb, and blind schools. In 1878 the institute for the blind was closed, and the few under instruction returned to their homes; it was reopened and closed again in 1884, waiting the action of the legislature. These institutions have no fund for their support, but depend upon biennial appropriations. Like all the other public schools, they were for a time under the management of the state board of education, but the legislature of 1880 organized the school for deaf-mutes by placing it under a board of directors. *Or. Mess. and Docs*, 1882, 32.

A protégé of the general government was the Indian school at Forest Grove, where a hundred picked pupils of Indian blood were educated at the nation's expense. The scheme was conceived by Captain C. M. Wilkinson of the 3d U. S. infantry, who procured several appropriations for the founding and conduct of the school, of which he was made first superintendent. The experiment began in 1880, and promised well, although the result can only be known when the pupils have entered actual life for themselves.

Of special schools, there were a few located at Portland. The homeopathic medical college, H. McKinnell, president, was a society rather than a school.

The Oregon school and college association of natural history, under the presidency of Thomas Condon, was more truly a branch at large of the state

university. P. S. Knight, secretary, did much in Salem to develop a taste for studies in natural history, by example, lecturing, and teaching; while Condon, whose name was synonymous with a love of geological studies and other branches of natural science, did no less for The Dalles, Portland, Forest Grove, and Eugene. These with other friends of science formed an association for the cultivation and spread of the natural science branches of education, the seat of which was Portland.

The Oregon Medical College of Portland was formed by the union of the Multnomah County Medical Society and the medical department of the Willamette University. The former society was founded about the beginning of 1865, and the latter organized in 1867. Eighty-three doctors of medicine were graduated from the university in ten years. In 1877 it was determined to remove this branch of the university to Portland, where superior advantages might be enjoyed by the students, and in February 1878 the incorporation of the Oregon Medical College took place, the incorporators being R. Glisan, Philip Harvey, W. B. Cardwell, W. H. Watkins, R. G. Rex, O. P. S. Plummer, Matthew P. Deady, and W. H. Saylor.

LITERATURE.

It cannot be said that Oregon has a literature of its own. Few states have ever claimed this distinction, and none can properly do so before the men and women born on its soil and nurtured in its institutions have begun to send forth to the world the ideas evolved from the culture and observation obtained there. That there was rather more than a usual tendency to authorship among the early settlers and visitors to this portion of the Pacific coast is true only because of the great number of unusual circumstances attending the immigration, the length of the journey, the variety of scenery, and the political situation of the country, which gave them so much to write about that almost without intention they appeared as authors, writers of newspaper letters, pamphleteers, publishers of journals, petitioners to congress, and recorders of current events. It is to their industry in this respect that I am indebted for a large portion of my material. Besides these authors, all of whom have been mentioned, there remain a few sources of information to notice.

The Oregon Spectator has preserved some of the earliest poetry of the country, often without signature. Undoubtedly some of the best was written by transient persons, English officers and others, who, to while away the tedium of a frontier life, dallied with the muses, and wrote verses alternately to Mount Hood, to Mary, or to a Columbia River salmon. Mrs M. J. Bailey, George L. Curry, J. H. P., and many *noms de plume* appear in the *Spectator*. Mount Hood was apostrophized frequently, and there appear verses addressed to the different immigrations of 1843, 1845, and 1846, all laudatory of Oregon, and encouraging to the new-comers. Lieutenant Drake of the *Modeste* wrote frequent effusions for the *Spectator*, most often addressed 'To Mary;' and Henry N. Peers, another English officer, wrote 'The Adventures of a Columbia River Salmon,' a production worth preserving on account of its descriptive as well as literary merit. It is found in *Or. Spectator*, Sept. 2, 1847; *Clyman's Note-Book*, MS., 9–10, refers to early Oregon poets.

In point of time, the first work of fiction written in Oregon was *The Prairie Flower*, by S. W. Moss of Oregon City. It was sent east to be published, and appeared with some slight alterations as one of a series of western stories by Emmerson Bennett of Cincinnati. One of its foremost characters was modelled after George W. Ebberts of Tualatin plains, or the Black Squire, as he was called among mountain men. Two of the women in the story were meant to resemble the wife and mother-in-law of Medorum Crawford. *Moss's Pictures Or. City*, MS., 18. The second novel was *Captain Gray's Company*, by Mrs A. S. Duniway, the incidents of which showed little imagination and a too literal observation of camp life in crossing the plains. Mrs Duniway did better work later, although her abilities lie rather with solid prose than

fiction. Charles Applegate wrote and published some tales of western life, which he carefully concealed from those who might recognize them. The list of this class of authors is short. I do not know where to turn for another among the founders of Oregon literature. Every college and academy had its literary society, and often they published some small monthly or bi-monthly journal, the contributions to which may be classed with school exercises rather than with deliberate authorship.

Mrs Belle W. Cooke of Salem wrote some graceful poems, and published a small volume under the title of *Tears and Victory*. Mrs Cooke was mother of one of Oregon's native artists, Clyde Cooke, who studied in Europe, and inherited his talent from her. Samuel A. Clarke of Salem, author of *Sounds by the Western Sea*, and other poems, wrote out many local legends in verse, with a good deal of poetical feeling. See legend of the Cascades, in *Harper's Magazine*, xlviii., Feb. 1874, 313–19. H. C. Miller, better known as Joaquin Miller, became the most widely famous of all Oregon writers, and has said some good things in verse of the mountains and woods of his state. It is a pity he had not evolved from his inner consciousness some loftier human ideals than his fictitious characters. Of all his pictures of life, none is so fine as his tribute to the Oregon pioneers, under the title of *Pioneers of the Pacific*, which fits California as well.

Miller married a woman who as a lyrical poet was fully his equal; but while he went forth free from their brief wedded life to challenge the plaudits of the world, she sank beneath the blight of poverty, and the weight of woman's inability to grapple with the human throng which surges over and treads down those that faint by the way; therefore Minnie Myrtle Miller, still in the prime of her powers, passed to the silent land. Among the poets of the Willamette Valley, Samuel L. Simpson deserves a high rank, having written some of the finest lyrics contributed to local literature, though his style is uneven. A few local poems of merit have been written by Mrs F. F. Victor, who came to Oregon by way of San Francisco in 1865, and published several prose books relating to the country. It seems most natural that all authorship should be confined to topics concerning the country, its remoteness from literary centres and paucity of population making it unlikely that anything of a general interest would succeed. This consideration also cramps all intellectual efforts except such as can be applied directly to the paying professions, such as teaching, medicine, and law, and restricts publication so that it does not fairly represent the culture of the people, which crops out only incidentally in public addresses, newspaper articles, occasionally a pamphlet and at long intervals a special book. I allude here to such publications as *Mullan's Overland Guide*, *Drew's Owyhee Reconnaissance*, *Condon's Report on State Geology*, *Small's Oregon and her Resources*, *Dufur's Statistics of Oregon*, *Deady's Wallamet vs. Willamette*, and numerous public addresses in pamphlet form, to contributions to the Oregon pioneer association's archives, *Victor's All Over Oregon and Washington*, *Murphy's State Directory*, *Gilisan's Journal of Army Life*, and a large number of descriptive publications in paper covers, besides monographs and morceaux of every descripton.

The number of newspapers and periodicals published in Oregon in 1880, according to the tenth census, was 74, against 2 in 1850, 16 in 1860, and 35 in 1870. Of these, 7 were dailies, 59 weeklies, 6 monthlies, 1 semi-monthly, and 1 quarterly. A few only of these had any particular significance. The *Astorian*, founded in 1872 by D. C. Ireland, on account of its excellence as a commercial and marine journal, should be excepted. The *Inland Empire* of The Dalles is also deserving of mention for its excellence in disseminating useful information on all topics connected with the development of the country. The *West Shore*, a Portland monthly publication, founded in August 1875 by L. Samuels, grew from an eight-page journal to a magazine of from twenty to thirty quarto pages, chiefly local in character, and profusely illustrated with cuts representing the scenery and the architectural improvements of Oregon, Washington, Idaho, Montana, and British Columbia. The locality longest without a newspaper was Coos Bay, which, although settled early,

isolated by a lack of roads from the interior, and having considerable business, had no printing-press until October 1870, when the *Monthly Guide* was started at Empire City, a sheet of 4 pages about 6 by 4 inches in size. It ran until changed into the *Coos Bay News* in March 1873, when it was enlarged to 12 by 18 inches. In September of the same year it was removed to Marshfield and again enlarged.

PIONEER ASSOCIATION.

The Oregon Pioneer Society was organized October 8 and 9, 1867, at Salem, in the hall of the house of representatives, W. H. Gray being prime mover. The officers elected were J. W. Nesmith president, Matthew P. Deady vice-president, I. N. Gilbert treasurer, and Medorum Crawford secretary. Resolutions were offered to form committees to obtain facts concerning the immigration of 1843, and in reference to the civil and political condition of the country from its earliest settlement.

In the mean time W. H. Gray had founded the Oregon Pioneer and Historical Society, with its office at Astoria, which society made less of the social reunions and more of the collection of historical documents, and which held its first meeting in 1872. I have not been able to find a schedule of its first proceedings. Truman P. Powers, one of Oregon's most venerable pioneers, was its president in 1875. He has only recently died. It strikes one, in looking over the proceedings of that year, that less sectarianism would be conducive to a better quality of history material.

On the 18th of October, 1873, the original society reorganized as the Oregon Pioneer Association, with F. X. Mathieu president, J. W. Grim vice-president, W. H. Rees secretary, and Eli Cooley treasurer. It held its anniversaries and reunions on the 15th of June, this being the day on which the treaty of boundary between Great Britain and the United States was concluded. Addresses were annually delivered by men acquainted with pioneer life and history. Ex-governor Curry delivered the first annual address November 11, 1873, since which time, Deady, Nesmith, Strong, Rees, Holman, Boisé, Minto, Geer, Atkinson, Thornton, Evans, Applegate, Staats, Chadwick, Grover, and others have contributed to the archives of the society valuable addresses. A roll of the members is kept, with place of nativity and year of immigration, and all are eligible as members who came to Oregon while the territory was under the joint occupancy of the United States and Great Britain, or who were born or settled in the territory prior to January 1, 1854. Biographies form a feature of the archives. The association offered to join with the historical society in 1874, but the latter decided that 'any material change in its organic existence would defeat the prime object of the society,' and they remained apart. The association is a popular institution, its reunions being occasions of social intercourse as well as historical reminiscences, and occasions for the display of the best talent in the state. The transactions of each annual meeting are published in a neat pamphlet for preservation. In 1877 the men and women who settled the Rogue River and other southern valleys, and whose isolation, mining adventures, and Indian wars gave them a history of their own, hardly identical with but no less interesting than that of the settlers of the Willamette Valley, met at the picturesque village of Ashland and founded the Pioneer Society of Southern Oregon on the 13th of September of that year, about 800 persons being present. Its first officers were L. C. Duncan president, William Hoffman secretary, N. S. Hayden treasurer. E. L. Applegate delivered an address, in which he set forth the motives which animated, and the exploits which were performed by, the pioneers. Other addresses were made by Thomas Smith, E. K. Anderson, and John E. Ross. The society in 1885 was in a prosperous condition. *Portland Oregonian*, Nov. 18, 1867; *Portland Advocate*, Sept. 14, 1867; *Astoria Astorian*, April 3, 1875; *Sac. Record-Union*, April 3, 1875; *Portland Bulletin*, Dec. 6, 1871; *Portland Oregonian*, March 9, 1872; *Ashland Tidings*, Sept. 28, 1877; *Jacksonville Times*, April 12, 1878.

LIBRARIES.

The original State Library of Oregon, as the reader knows, was destroyed by fire in 1855. The later collection numbered in 1885 some 11,000 volumes, and was simply a law library, as there were few miscellaneous books. It contained no state historical documents or writings of local authors to speak of. The annual appropriation of $750 was expended by the chief justice in purchasing books for the supreme court.

The Library Association of Portland had the largest miscellaneous collection in the state. It was founded in February 1864 by subscriptions from a few prominent men, amounting in all to a little over $2,500. At the end of the first year it had 500 volumes, and increased annually till in 1885 there were some 12,000 volumes. Although not large, this library was selected with more than ordinary care, the choice of books having been made principally by Judge Deady, to whose fostering care its continued growth may be principally ascribed, although the institution is scarcely less indebted to W. S. Ladd, for the free use of the elegant rooms over his bank for many years. The first board of directors was W. S. Ladd, B. Goldsmith, L. H. Wakefield, H. W. Corbett, E. D. Shattuck, C. H. Lewis, William Strong, W. S. Caldwell, P. C. Schuyler, Jr, and Charles Calef. The directors were divided into five classes by lot, the first class going out at the expiration of two years, the second in four years, and so on to the end, two new directors being elected biennially. The first officers of the association were W. S. Ladd, president; William Strong, vice-president; Bernard Goldsmith, treasurer; Henry Failing, corresponding secretary: W. S. Caldwell, recording secretary; H. W. Scott, W. B. Cardwell, and C. C. Strong, librarians. In 1872 the association employed Henry A. Oxer as librarian and recording secretary, whose qualifications for the duties materially assisted to popularize the institution. Judge Deady has been presiding officer for many years.

The Pacific University, State University, Willamette University, Monmouth University, McMinnville and other colleges and schools, and the catholic church of Portland, maintained libraries for the use of those under tuition, and there were many private collections in the state.

IMMIGRATION SOCIETY.

The first society for the promotion of immigration was formed in 1856, in New York, under the title of New York Committee of Pacific Emigration. S. P. Dewey and W. T. Coleman of San Francisco, and Amory Holbrook and and A. McKinlay of Oregon City, were present at the preliminary meeting at the Tontine House. An appeal was made to the people of Oregon to interest themselves in sustaining a board of immigration, and keeping an agent in New York in common with the California Emigration Society. *Or. Statesman*, Feb. 3, 1857. The matter, however, seems to have been neglected, nothing further being heard about immigration schemes until after the close of the civil war, and after the settlement of Idaho and Montana had intercepted the westward flow of population, reducing it to a minimum in the Willamette Valley and everywhere west of the Cascades. About 1868 the State Agricultural Society appointed A. J. Dufur, its former president, to compile and publish facts concerning the 'physical, geographical, and mineral' resources of the state, and a 'description of its agricultural development,' which he accordingly did in a pamphlet of over a hundred pages, which was distributed broadcast and placed in the way of travellers. *Dufur's Or. Statistics*, Salem, 1869.

In August 1869 a Board of Statistics. Immigration, and Labor Exchange was formed at Portland, with the object of promoting the increased settlement of the country, and furnishing immigrants with employment. The board consisted of ten men, who managed the business and employed such agents as they thought best, but the revenues were derived from private subscriptions. Ten thousand copies of pamphlets prepared by the society were distributed the

first year of its existence, and the legislature was appealed to for help in furnishing funds to continue these operations, which were assisted by a subordinate society at Salem. *Or. Legisl. Docs*, 1870, 11, app. 1–11. In 1872 E. L. Applegate was appointed a commissioner of immigration by the legislature, with power to equip himself with maps, charts, and statistics in a manner properly to represent Oregon in the United States and Europe, and to 'counteract interested misrepresentations.' *Or. Laws*, 1872, 38. The compensation for this service was left blank in the law, from which circumstance, and from the additional one that Applegate returned to Oregon in the spring of 1872 as a peace commissioner to the Modocs under pay, it is just to conclude that his salary as a commissioner of immigration was insufficient to the service, or that his services were inadequate to the needs of the country, or both.

At the following session in 1874 the State Board of Immigration was created, October 28th, the members of which were to be appointed by the governor to the number of five, who were to act without salary or other compensation, under rules of their own making. This act also authorized the governor to appoint honorary members in foreign countries, none of whom were to receive payment. *Or. Laws*, 1874, 113. The failure of the legislature to make an appropriation compelled the commissioners appointed by the governor to solicit subscriptions in Portland. Considerable money was collected from business firms, and an agent was sent to San Francisco. Upon recommendation of the state board, consisting of W. S. Ladd, H. W. Corbett, B. Goldsmith, A. Lienenweber and William Reid, the governor appointed twenty-four special agents, ten in the United States, ten in Europe, two in New Zealand, and two in Canada. The results were soon apparent. Nearly 6,000 letters of inquiry were received in the eighteen months ending in September 1876, and a perceptible movement to the north-west was begun. The eastern branch of the state board at Boston expended $24,000 in the period just mentioned for immigration purposes; half-rates were secured by passenger vessels and railway lines from European ports to Portland, by which means about 4,000 immigrants came out in 1875, and over 2,000 in 1876, while the immigration of the following year was nearly twelve thousand. *Or. Mess. and Docs*, 1876, 14, 10; *Portland Board of Trade*, 1877, 17.

On the 24th of January, 1877, the Oregon State Immigration Society organized under the private-corporations act of 1862, with a capital stock of $500,000, in shares of $5 each, the object being to promote immigration, collect and diffuse information, buy and sell real estate, and do a general agency business. The president of the incorporated society was A. J. Dufur, vice-president D. H. Stearns, secretary T. J. Matlock, treasurer L. P. W. Quimby. *By-Laws Or. Emig. Soc.*, 16. An office was opened in Portland, and the society, chiefly through its president, performed considerable labor without any satisfactory pecuniary returns. But there was by this time a wide-spread interest wakened, which led to statisical and descriptive pamphlets, maps, and circulars by numerous authors, whose works were purchased and made use of by the Oregon and California and Northern Pacific railroad companies to settle their lands, and by other transportation companies to swell their passenger lists. The result of these efforts was to fill up the eastern portion of Oregon and Washington with an active population in a few years, and to materially increase the wealth of the state, both by addition to its producing capacity, and by a consequent rise in the value of lands in every part of it. The travel over the Northern Pacific, chiefly immigration, was large from the moment of its extension to the Rocky Mountains, and was in 1885 still on the increase.

RAILROADS.

In February 1853 the Oregon legislative assembly, stirred by the discussion in congress of a transcontinental railroad, passed a memorial in relation to such a road from the Mississippi River to some point on the Pacific coast, this being the first legislative action with regard to railroads in Oregon after the organization of the territory, although there had been a project spoken of,

and even advertised, to build a railroad from St Helen on the Columbia to Lafayette in Yamhill county as early as 1850. *Or. Spectator*, Jan. 30, 1850. Knighton, Tappan, Smith, and Crosby were the projectors of this road.

In the latter part of 1853 came I. I. Stevens to Puget Sound, full of the enthusiasm of an explorer, and sanguine with regard to a road which should unite the Atlantic and Pacific states. Under the excitement of this confident hope, the legislature of 1853–4 granted charters to no less than four railway companies in Oregon, and passed resolutions asking for aid from congress. *Or. Jour. Council*, 1853–4, 125. The Willamette Valley Railroad Company, the Oregon and California Railroad Company, the Cincinnati Railroad Company, and the Clackamas Railroad Company were the four mentioned. The Cincinnati company proposed to build a road from the town of that name in Polk county to some coal lands in the same county. *Id.*, 125; *Or. Statesman*, April 18, 1854. The act concerning the Clackamas company is lacking among the laws of that session, although the proceedings of the council show that it passed. It related to the portage around the falls at Oregon City. *Or. Jour. Council*, 94, 95, 107, 116, 126. One of these companies went so far as to hold meetings and open books for subscriptions, but nothing further came of it. The commissioners were Frederick Waymire, Martin L. Barker, John Thorp, Solomon Tetherow, James S. Holman, Harrison Linnville, Fielder M. Thorp, J. C. Avery, and James O'Neil. *Or. Statesman*, April 11 and 25, 1854. This was called the Willamette Valley Railroad Company.

A charter was granted to a company styling itself the Oregon and California Railroad Company, who proposed to build a road from Eugene City to some point on the east side of the Willamette River below Oregon City, or possibly to the Columbia River. The commissioners for the Oregon and California road were Lot Whitcomb, N. P. Doland, W. Meek, James B. Stephens, William Holmes, Charles Walker, Samuel Officer, William Barlow, John Gribble, Harrison Wright, J. D. Boon, J. L. Parrish, Joseph Holman, William H. Rector, Daniel Waldo, Benj. F. Harding, Samuel Simmons, Ralph C. Geer, William Parker, Augustus R. Dimick, Hugh Cosgrove, Robert Newell, W. H. Willson, Green McDonald, James Curl, E. H. Randall, Luther Elkins, John Crabtree, David Claypole, Elmore Keyes, James H. Foster, George Cline, John Smith, Anderson Cox, John H. Lines, Jeremiah Duggs, John N. Donnell, Asa McCully, Hugh L. Brown, James N. Smith, William Earle, W. W. Bristow, Milton S. Riggs, James C. Robinson, P. Wilkins, William Stevens, Jacob Spores, Benjamin Richardson, E. F. Skinner, James Hetherly, Felix Scott, Henry Owen, Benjamin Davis, Joseph Bailey, J. W. Nesmith, and Samuel Brown. *Id.*, April 4, 1854. Of this likewise nothing came except the name, which descended to a successor. Another corporation received a charter in 1857 to build a road to Newport on Yaquina Bay, which was not built by the company chartered at that date. The only railroads in Oregon previous to the organization of the Oregon Central Railroad Company, of which I am about to give the history, were the portages about the cascades and dalles of the Columbia and the falls at Oregon City.

In 1863 S. G. Eliot, civil engineer, made a survey of a railroad line from Marysville in California to Jacksonville in Oregon, where his labors ended and his party was disbanded. This survey was made for the California and Columbia River Railroad Company, incorporated October 13, 1863, at Marysville, California. Eliot endeavored to raise money in Oregon to complete his survey, but was opposed by the people, partly from prejudice against Californian enterprises. *Marysville Appeal*, June 27, 1863; *Portland Oregonian*, Jan. 4, 1864; *Deady's Scrap-Book*, 37, 56; *Portland Oregonian*, Dec. 17, 1863. Joseph Gaston, the railroad pioneer of the Willamette, then residing in Jackson county, being deeply interested in the completion of the survey to the Columbia River, took it upon himself to raise a company, which he placed under the control of A. C. Barry, who after serving in the civil war had come to the Pacific coast to regain his health. Barry was ably assisted by George H. Belden of the U. S. land survey. As the enterprise was wholly a volunteer undertaking, the means to conduct it had to be raised by contribution,

and to this most difficult part of the work Gaston applied himself. A circular was prepared, addressed to the leading farmers and business men of the country through which the surveying party would pass, inviting their support, while Barry was instructed to subsist his men on the people along the line and trust to the favor of the public for his own pay.

The novelty and boldness of these proceedings, while eliciting comments, did not operate unfavorably upon the prosecution of the survey, which proceeded without interruption, the party in the field living sumptuously, and often being accompanied and assisted by their entertainers for days at a time. It was not always that the people applied to were so enthusiastic. One prominent man declared that so far from the country being able to support a railroad, if one should be built the first train would carry all the freight in the country, the second all the passengers, and the third would pull up the track behind it and carry off the road itself. 'This same man,' remarks Mr Gaston, 'managed to get into office in the first railroad company, and has enjoyed a good salary therein for 13 years.' *Gaston's Railroad Devel-pment in Oregon*, MS., 8–9. Gaston continued to write and print circulars, which were distributed to railroad men, county officers, government land-offices, and all persons likely to be interested in or able to assist in the organization of a railroad company, both on the Pacific coast and in the eastern states. These open letters contained statistical and other information about the country, and its agricultural, mineral, commercial, and manufacturing resources. Hundreds of petitions were at the same time put in circulation, asking congress to grant a subsidy in bonds and lands to aid in constructing a branch railroad from the Central Pacific to Oregon.

By the time the legislature met in September, Gaston had Barry's report completed and printed, giving a favorable view of the entire practicability of a road from Jacksonville to the Columbia at St Helen, to which point it was Barry's opinion any road through the length of the Willamette River ought to go, although the survey was extended to Portland. To this report was appended a chapter on the resources of Oregon, highly flattering to the feelings of the assembly. The document was referred to the committee on corporations, and James M. Pyle, senator from Douglas county, chairman, made an able report, supporting the policy of granting state aid. Cyrus Olney, of Clatsop county, drew up the first state subsidy bill, proposing to grant $250,000 to the company that should first construct 100 miles of railroad in the Willamette Valley. The bill became a law, but no company ever accepted this trifling subsidy. *Portland Oregonian*, Sept. 7 and 13, 1864; *Barry's Cal. & Or. R. R. Survey*, 34; *Or. Journal Senate*, 1864, ap. 36–7; *Portland Oregonian*, Nov. 5, 1864; *Or. Jour. House*, 1864, ap. 185–9; *Or. Statesman*, July 23, 1864; *Portland Oregonian*, June 20, July 27, Aug. 11, Sept. 13, Oct. 29, 1864. In November, however, after the adjournment of the legislature, an organization was formed under the name of the Willamette Valley Railroad Company, which opened books for subscription, and filed articles of incorporation in December. *Id.*, Nov. 12 and 17, and Dec. 2, 1864; *Deady's Scrap-Book*, 107. The incorporators were J. C. Ainsworth, H. W. Corbett, W. S. Ladd, A. C. Gibbs, C. N. Carter, I. R. Moores, and E. N. Cooke. Ainsworth was president, and George H. Belden secretary. Belden was a civil engineer, and had been chief in the surveyor-general's office, but resigned to enter upon the survey of the Oregon and California railroad. *Or. Argus*, May 25, 1863. Barry meantime proceeded with his reports and petitions to Washington, where he expected the coöperation of Senators Williams and Nesmith. The latter did indeed exert his influence in behalf of congressional aid for the Oregon branch of the Central Pacific, but Barry became weary of the uncertainty and delay attendant upon passing bills through congress, and giving up the project as hopeless, went to Warsaw, Missouri, where he entered upon the practice of law.

Before Barry quitted Washington he succeeded in having a bill introduced in the lower house by Cole of California, the terms of which granted to the California and Oregon Railroad Company of California, and to such company

organized under the laws of Oregon as the legislature of the state should designate, twenty alternate sections of land per mile, ten on each side of the road, to aid in the construction of a line of railroad and telegraph from some point on the Central Pacific railroad in the Sacramento Valley to Portland, Oregon, through the Rogue River, Umpqua, and Willamette valleys, the California company to build north to the Oregon boundary, and the Oregon company to build south to a junction with the California road. *Cong. Globe*, 1865–6, ap. 388–9; *Zabriskie's Land Laws*, 637; *Veatche's Or.*, 12–21. This bill, which was introduced in December 1864, did not become a law until July 25, 1866, and was of comparatively little value, as the line of the road passed through a country where the best lands were already settled upon. The bill failed in congress in 1865 because Senator Conness of California refused to work with Cole. It passed the house late, and the senate not at all. *S. F. Bulletin*, March 8, 1865; *Eugene Review*, in *Portland Oregonian*, April 1 and 26, 1865. The California and Oregon railroad had already filed articles of incorporation at Sacramento, its capital stock being divided into 150,000 shares at $100 a share. When the subsidy bill became a law the Oregon Central Railroad Company was organized, and the legislature, according to the act of congress, designated this company as the one to receive the Oregon portion of the land grant, at the same time passing an act pledging the state to pay interest at seven per cent on one million dollars of the bonds of the company, to be issued as the work progressed on the first hundred miles of road. This act was repealed as unconstitutional in 1868. *Or. Laws*, 1866, 1868, 44–5; *Deady's Scrap-Book*, 176; *S. F. Bulletin*, Oct. 25 and Nov. 2, 1866. See special message of Gov. Woods, in *Sac. Union*, Oct, 22, 1866. Articles of incorporation were filed November 21, 1866. The incorporators were R. R. Thompson, E. D. Shattuck, J. C. Ainsworth, John McCracken, S. G. Reed, W. S. Ladd, H. W. Corbett, C. H. Lewis of Portland, M. M. Melvin, Jesse Applegate, E. R. Geary, S. Ellsworth, F. A. Chenoweth, Joel Palmer, T. H. Cox, I. R. Moores, George L. Woods, J. S. Smith, B. F. Brown, and Joseph Gaston. *Gaston's Railroad Development of Or.*, MS., 15–16.

The incorporators elected Gaston secretary and general agent, authorizing him to open the stock-books of the company, and canvass for subscriptions, which was done with energy and success, the funds to construct the first twenty-five miles being promised, when Eliot, before mentioned, suddenly appeared in Oregon with a proposition signed A. J. Cook & Co., whereby the Oregon company was asked to turn over the whole of its road to the people of California to build. The compensation offered for this transfer was the sum of $50,000 to each of the incorporators, to be paid in unassessable preferred stock in the road. To this scheme Gaston, as the company's agent, offered an earnest opposition, which was sustained by the majority of the incorporators; but to the Salem men the bait looked glittering, and a division ensued. A new company was projected by these, in the corporate name of the first, the Oregon Central Railroad Company, with the evident intention of driving from the field the original company, and securing under its name the land grant and state aid. A struggle for control now set in, which was extremely damaging to the enterprise. Seeing that litigation and delay must ensue, the capitalists who had contracted to furnish funds for the first twenty-five miles of road at once cancelled their agreement, refusing to support either party to the contest. Gaston, who determined to carry out the original object of his company, in order to avoid still further trouble with the Salem party, located the line of the Oregon Central on the west side of the Willamette River, and proceeded again with the labor of securing financial support. The Salem company naturally desiring to build on the east side of the river, and assuming the name of the original corporation, gave rise to the custom, long prevalent, of calling the two companies by the distinctive titles of East-Side and West-Side companies.

While Gaston was going among the people delivering addresses and taking subscriptions to the west-side road, the east-side company, which organized

April 22, 1867, proceeded in an entirely different manner to accomplish their end. Seven men subscribed each one share of stock, at $100, and electing one of their number president, passed a resolution authorizing that officer to subscribe seven million dollars for the company. This manœuvre was contrary to the incorporation law of the state, which required one half of the capital stock of a corporation to be subscribed before the election of a board of directors. The board of directors elected by subscribing $100 each were J. H. Moores, I. R. Moores, George L. Woods, E. N. Cooke, Samuel A. Clarke. Woods was elected president, and Clark secretary. To these were subsequently added J. H. Douthitt. F. A. Chenoweth, Green B. Smith, S. Ellsworth, J. H. D. Henderson, S. F. Chadwick, John E. Ross, A. L. Lovejoy, A. F. Hedges, S. B. Parrish, Jacob Conser, T. McF. Patton, and John F. Miller. *Gaston's Railroad Development in Or.*, MS., 22-3. Before the meeting of the next legislature, thirteen other directors were added to the board, being prominent citizens of different counties, who it was hoped would have influence with that body, and to each of these was presented a share of the stock subscribed by the president. So far there had not been a bona fide subscription by any of the east side company. In order to hold his own against this specious financiering, Gaston, after raising considerable money among the farmers, subscribed in his own name half the capital stock, amounting to $2,500,000. As a matter of fact, he had no money, but as a matter of law, it was necessary to have this amount subscribed before organizing a board of directors for his company. This board was elected May 25, 1867, at a meeting held at Amity. The first board of directors of the Oregon Central (west-side) were W. C. Whitson, James M. Belcher, W. T. Newby, Thomas R. Cornelius, and Joseph Gaston. Gaston was elected president, and Whitson secretary. Both companies, being now organized, proceeded to carry out their plans as best they could. Elliot, as agent of the east-side party, went east to find purchasers for the bonds of the company, while Gaston continued to canvass among the people, and also began a suit in equity in Marion county to restrain the Salem company from using the name of the Oregon Central company, Gaston appearing as attorney for plaintiffs, and J. H. Mitchell for the defendants. On trial, the circuit judge avoided a decision by holding that no actual damage had been sustained. Mitchell then became the leading spirit of the east-side company, and the two parties contended hotly for the ascendency by circulating printed documents, and holding correspondence with bankers and brokers to the injury of each other. A suit was also commenced to annul the east-side company, on the ground of illegal organization. Meanwhile Elliot was in Boston, and was on the point of closing a contract for a large amount of material, when Gaston's circulars reached that city, causing the failure of the transaction, and compelling Elliot to return to Oregon, having secured only two locomotives and some shop material, which he had already purchased with the bonds of his company. A compromise would now have been accepted by the east-side party, but the west-side would not agree to it, and in point of fact could not, because the people on that side of the valley, who were actual subscribers, would not consent to have their road run on the east side, and the people on that side would not subscribe to a road on the other.

By the first of April, 1868, both parties had their surveyors in the field locating their lines of road. *Portland Oregonian*, March 11, 1868. The west-side company had secured $25,000 in cash subscriptions in Portland, and as much more in cash and lands in the counties of Washington and Yamhill. The city of Portland had also pledged interest for twenty years on $250,000 of the company's bonds. Washington county had likewise pledged the interest on $50,000, and Yamhill on $75,000. Thus $375,000 was made available to begin the construction of the Oregon Central. The east-side company had also raised some money, and advertised that they would formally break ground near East Portland on the 16th of April, 1868, for which purpose bands of music and the presence of the militia were engaged to give eclat to the occasion. An address by W. W. Upton was announced.

The west-side company refrained from advertising, but made preparations to break ground on the 14th, and issued posters on the day previous only. At ten o'clock of the day appointed a large concourse of people were gathered in Caruther's addition to celebrate the turning of the first sod on the Oregon Central. Gaston read a report of the condition of the company, and speeches were made by A. C. Gibbs and W. W. Chapman. This ended, Mrs David C. Lewis, wife of the chief engineer of the company, lifted a shovelful of earth and cast it upon the grade-stake, which was the signal for loud, long, and enthusiastic cheering, which so excited the throng that each contributed a few minutes labor to the actual grading of the road-bed. Thus on the 14th of April, 1868, was begun the first railroad in Oregon other than the portages above mentioned. On the 16th the grander celebration of the east-side company was carried out according to programme, at the farm of Gideon Tibbets, south of East Portland, and on this occasion was used the first shovel made of Oregon iron. *Portland Oregonian*, April 18, 1868; *McCormick's Portland Dir.*, 1869, 8–9. The shovel was ordered by Samuel M. Smith, of Oswego iron, and made at the Willamette Iron Works by William Buchanan. It was shaped under the hammer, the handle being of maple, oiled with oil from the Salem mills. It was formally presented to the officers of the company on the 15th of April. *Portland Oregonian*, April 14, 16, and 17, 1868.

Actual railroad building was now begun on both sides of the Willamette River; but the companies soon found themselves in financial straits. The east-side management was compelled in a short time to sell its two locomotives to the Central Pacific of California, although they bore the names of George L. Woods and I. R. Moores, the first and second presidents of the organization. A vigorous effort was made to induce the city council of Portland to pledge the interest for twenty years on $600,000 of the east-side bonds, in which the company was not successful. It is related that, being in a strait, Elliot proposed to inform the men employed, appealing to them to work another month on the promise of payment in the future. But to this proposition his superintendent of construction replied that a better way would be to keep the men in ignorance. He went among them, carelessly suggesting that as they did not need their money to use, it would be a wise plan to draw only their tobacco-money, and leave the remainder in the safe for security against loss or theft. The hint was adopted, the money was left in the safe, and served to make the same show on another pay-day, or until Holladay came to the company's relief. *Gaston's Railroad Development in Or.*, MS., 34–5. Nor was the west-side company more at ease. Times were hard with the farmers, who could not pay up their subscriptions. The lands of the company could not be sold or pledged to Portland bankers, and affairs often looked desperate.

The financial distresses of both parties deterred neither from aggressive warfare upon the other. The west-side company continually pressed proceedings in the courts to have its rival declared no corporation, but no decision was arrived at. Gaston declares that the judges in the third and fourth judicial districts evaded a decision, 'their constituents being equally divided in supporting the rival companies.' *Id.*, 38. Failing of coming to the point in this way, a land-owner on the east side was prompted to refuse the right of way, and when the case came into court, the answer was set up that the company was not a lawful corporation, and therefore not authorized to condemn lands for its purposes. The attorneys for the company withdrew from court rather than meet the question, and made a re-location of the road, thus foiling again the design of the west-side company.

Portland being upon the west side of the river, and the emporium of capital in Oregon, it was apparently only a question of time when the west-side road should drive the usurper from the field, and so it must have done had there been no foreign interference. But the east-side company had been seeking aid in California, and not without success. In August 1868, Ben Holladay, of the overland stage company and the steamship line to San Francisco, arrived in Oregon. He represented himself, and was believed to be, the pos-

sessor of millions. A transfer of all the stock, bonds, contracts, and all property, real and personal, of the east-side company was made to him. The struggle, which had before been nearly equal, now became one between a corporation without money and a corporation with millions, and with the support of those who wished to enjoy the benefits to be conferred by this wealth, both in building railroads and in furnishing salaried situations to its friends. The first thing to be done was to get rid of the legislative enactments of 1866, designating the original Oregon Central company as the proper recipient of the land grant and state aid.

On the convening of the legislature, Holladay established himself at Salem, where he kept open house to the members, whom he entertained royally as to expenditure, and vulgarly as to all things else. The display and the hospitality were not without effect. The result was that the legislature of 1868 revoked the rights granted to the Oregon Central of 1866, and vested these rights in the later organization under the same name. The cause assigned was that 'at the time of the adoption of the said joint resolution as aforesaid no such company as the Oregon Central Railroad Company was organized or in existence, and the said joint resolution was adopted under a misapprehension of facts as to the organization and existence of such a company.' *Or. Laws*, 1868, 109–10. It was alleged that the original company, in their haste to secure the land grant by the designation of the legislature, which meets only once in two years, had neglected to file their incorporation papers with the secretary of state previous to their application for the favor of the legislature, the actual date of incorporation being November 21st, whereas the resolution of the legislature designating them to receive the land grant was passed on the 20th of October, a month and a day before the company had a legal existence. In his *Railroad Development in Or.*, MS., 15, Gaston says that the Oregon Central filed its incorporation papers according to law before the legislative action, but withdrew them temporarily to procure other incorporations, and it was this act that the other company turned to account. By the terms of the act of congress making the grant of land, the company taking the franchise must file its assent to the grant within one year from the passage of the act, and complete the first twenty miles of road within two years. The west-side company had filed its assent within the prescribed time, which the other had not, an illegality which balanced that alleged against the west-side, even had both been in all other respects legal.

And now happened one of those fortuitous circumstances which defeat, occasionally, the shrewdest men. The west-side management had sent, in May, half a million of its bonds to London to be sold by Edwin Russell, manager of the Portland branch of the bank of British Columbia. Just at the moment when money was most needed, a cablegram from Russell to Gaston informed him that the bonds could be disposed of so as to furnish the funds and iron necessary to construct the first twenty miles of road, by selling them at a low price. Gaston had the power to accept the offer, but instead of doing so promptly, and placing himself on an equality with Holladay pecuniarily, he referred the matter to Ainsworth, to whom he felt under obligations for past favors, and whom he regarded as a more experienced financier than himself, and the latter, after deliberating two days on the subject, cabled a refusal of the proposition.

Ainsworth had not intended, however, to reject all opportunities, but a contract was taken by S. G. Reed & Co., of which firm Ainsworth was a member, to complete the twenty miles called for by the act of congress, of which five of the most expensive portion had been built, and Reed became involved with Gaston in the contest for supremacy between the two companies, while at the same time pushing ahead the construction of the road from Portland to Hillsboro, by which would be earned the Portland subsidy of a quarter of a million.

To prevent this, Holladay's attorneys caused suits to be brought declaring the west-side company's acts void, and to prevent the issuance to it of the bonds of the city of Portland and Washington county, in which suits they

were successful, thus cutting off the aid expected in this quarter. At the same time the quarrel was being prosecuted in the national capital, the newly elected senator, Corbett, befriending the original company, and George H. Williams, whose term was about to expire, giving his aid to Holladay. See correspondence in *Sen. Rept*, 3, 1869, 41st cong. 1st sess.

An appeal was made to the secretary of the Interior, whose decision was, that according to the evidence before him neither company had a legal right to the land grant in Oregon, which had lapsed through the failure of any properly organized and authorized company to file acceptance, and could only be revived by further legislation. This decision was in consonance with Williams' views, who had a bill already prepared extending the time for filing assent so as to allow any railroad company heretofore designated by the legislature of Oregon to file its assent in the department of the interior within one year from the date of the passage of the act; provided, that the rights already acquired under the original act were not to be impaired by the amendment, nor more than one company be entitled to a grant of land. *Cong. Globe*, 1869, app. 51, 41st cong. 1st sess. This legislation placed the companies upon an equal footing, and left the question of legality to be decided in the Oregon courts, while it prevented the state of Oregon from losing the franchise should either company complete twenty miles of road which should be accepted by commissioners appointed by the president of the United States. The act of April 10, 1869, does not mention any extension of time for the completion of the first twenty miles, but by implication it might be extended beyond the year allowed for filing assent.

While the east-side company was thus successful in carrying out its endeavor to dislodge the older organization, suit was brought in the United States district court, Deady, justice, to enjoin the usurper from using the name of the original company, Deady deciding that although no actual damage followed, as the defence attempted to show, no subsequently organized corporation could lawfully use the name of another corporation. This put an end to the east-side Oregon Central company, which took steps to transfer its rights, property, and franchises to a new corporation, styled the Oregon and California Railroad Company. The action of congress in practically deciding in favor of the Holladay interest caused S. G. Reed & Co. to abandon the construction contract, from which this firm withdrew in May 1869, leaving the whole hopeless undertaking in the hands of Gaston. Without resources, and in debt, he resolved to persevere. In the treasury of Washington county were several thousand dollars, paid in as interest on the bonds pledged. He applied for this money, which the county officers allowed him to use in grading the road-bed during the summer of 1869 as far as the town of Hillsboro. This done, he resolved to go to Washington, and before leaving Oregon made a tour of the west-side counties, reminding the people of the injustice they had suffered at the hands of the courts and legislature, and urging them to unite in electing men who would give them redress.

Gaston reached the national capital in December 1869, Holladay having completed in that month twenty miles of the Oregon and California road, and become entitled to the grant of land which Gaston had been the means of securing to the builder of the first railroad. His business at the capital was to obtain a new grant for the Oregon Central, and in this he was successful, being warmly supported by Corbett and Williams, the latter, however, refusing to let the road be extended farther than McMinnville, lest it should interfere with the designs of Holladay, but consenting to a branch road to Astoria, with the accompanying land grant. A bill to this effect became a law May 1, 1870. *Cong. Globe*, 1869–70, app. 644–5. While the bill was pending, Gaston negotiated a contract in Philadelphia for the construction of 150 miles of railroad, which would carry the line to the neighborhood of Eugene City, to which point another bill then before congress proposed to give a grant of land. The Oregon legislature passed a joint resolution, instructing their senators in Washington to give their support to the construction of a railroad from Salt Lake to the Columbia River, Portland, and Puget Sound; and to a railroad

from the big bend of Humboldt River to Klamath Lake, and thence through the Rogue, Umpqua, and Willamette valleys to the Columbia River. *Or. Laws*, 1868, 124–5; *U. S. Sen. Misc. Doc.*, 14, 41st cong. 3d sess.; *Or. Laws*, 1870, 179–82, 194.

Anticipating its success, Gaston ventured to believe that he could secure, as it was needed, an extension of his grant, which should enable him to complete the line from Winnemucca on the Humboldt to the Columbia. This also was the agreement between B. J. Pengra, who represented the Winnemucca scheme, Gaston, and the senators. But Holladay, who was in Washington, fearing that Pengra would bring the resources of the Central Pacific into Oregon to overpower him, demanded of Williams that Pengra's bill should be amended so as to compel the Winnemucca company to form a junction with the Oregon and California at some point in southern Oregon. The amendment had the effect to drive the Central Pacific capitalists away from the Winnemucca enterprise, and the Philadelphia capitalists away from the Oregon Central, leaving it, as before, merely a local line from Portland to McMinnville. Thus Holladay became master of the situation, to build up or to destroy the railroad interests of Oregon. He had, through Latham of California, sold his railroad bonds in Germany, and had for the time being plenty of funds with which to hold this position. In order to embarrass still further the Oregon Central, he bought in the outstanding indebtedness, and threatened the concern with the bankruptcy court and consequent annihilation. To avert this disastrous termination of a noble undertaking, Gaston was compelled to consent to sell out to his enemy, upon his agreement to assume all the obligations of the road, and complete it as designed by him.

Having now obtained full control, and being more ardent than prudent in his pursuit of business and pleasure alike, Holladay pushed his two roads forward rapidly, the Oregon and California being completed to Albany in 1871, to Eugene in 1872, and to Roseburg in 1873. The Oregon Central was opened to Cornelius in 1871, and to St Joe in 1872. These roads, although still merely local, had a great influence in developing the country, inducing immigration, and promoting the export of wheat from Willamette direct to the markets of Europe.

But the lack of prudence, before referred to, and reckless extravagance in private expenditures, shortened a career which promised to be useful as it was conspicuous; and when the Oregon and California road had reached Roseburg, the German bondholders began to perceive some difficulty about the payment of the interest, which difficulty increased until 1876, when, after an examination of the condition of the road, it was taken out of Holladay's hands, and placed under the management of Henry Villard, whose brief career ended in financial failure.

Joseph Gaston, a descendant of the Huguenots of North Carolina, was born in Belmont county, Ohio. His father dying, Joseph worked on a farm until 16 years of age, when he set up in life for himself, having but a common-school education, and taking hold of any employment which offered until by study he had prepared himself to practice law in the supreme court of Ohio. His grand-uncle, William Gaston, was chief justice of the supreme court of North Carolina, and for many years member of congress from that state, as also founder of the town of Gaston, N. C. His cousin, William Gaston, of Boston, was elected governor of Massachusetts in 1874, being the only democratic governor of that state within 50 years. Joseph Gaston came to Jackson county, Oregon, in 1862, but on becoming involved in railroad projects, removed to Salem, and afterward to Portland. Although handling large sums of money and property, he was not benefited by it. When Holladay took the Oregon Central off his hands, he accepted a position as freight and passenger agent on that road, which he held until 1875, when he retired to his farm at Gaston, in Washington county, where he remained until 1878, when he built and put in operation the narrow-gauge railroad from Dayton to Sheridan, with a branch to Dallas. This enterprise was managed solely by himself, with the support of the farmers of

that section. In 1880 the road was sold to a Scotch company of Dundee, represented by William Reid of Portland, who extended it twenty miles farther, and built another narrow-gauge from Ray landing, below the Yamhill, to Brownsville, all of which may be properly said to have resulted from Gaston's enterprises. Then he went to live in Portland, where he did not rank among capitalists—in these days of sharp practice, not always a dishonorable distinction.

No sooner did railroad enterprises begin to assume a tangible shape in Oregon, than several companies rushed into the field to secure land grants and other franchises, notably the Portland, Dalles, and Salt Lake company, the Winnemucca company, the Corvallis and Yaquina Bay company, and the Columbia River and Hillsboro company. *Vancouver Register*, Aug. 21, 1869; *Or. Laws*, 1868, 127–8, 140–1, 143; *Id.*, 1870; *H. Ex. Doc.*, 1, pt iv. vol. vi., pt 1, p. xvii., 41st cong. 3d sess.; *Zabriskie's Land Laws*, supp. 1877, 6; *Portland Board of Trade Rept*, 1875, 6–7, 28; *Id.*, 1876, 4–6; *Id.*, 1877, 14–15.

Owing to a conflict of railroad interests, and fluctuations in the money market, neither of these roads was begun, nor any outlet furnished Oregon toward the east until Villard, in 1879, formed the idea of a syndicate of American and European capitalists to facilitate the construction of the Northern Pacific, and combining its interests with those of the Oregon roads by a joint management, which he was successful in obtaining for himself. E. V. Smalley, in his *History of the Northern Pacific Railroad*, published in 1883, has given a minute narrative of the means used by Villard to accomplish his object. pp. 262–76. Under his vigorous measures railroad progress in Oregon and Washington was marvellous. Not only the Northern Pacific was completed to Portland, and the Columbia River, opposite the Pacific division at Kalama, in 1883–4, but the Oregon system, under the names of the Oregon Railway and Navigation and Oregon and Transcontinental lines, was extended rapidly. The Oregon Railway and Navigation Company owned all the property of the former Oregon Steam Navigation and Oregon Steamship companies. It was incorporated June 13, 1879, Villard president, and Dolph vice-president. Its first board of directors consisted of Artemus H. Holmes, William H. Starbuck, James B. Fry, and Villard of New York, and George W. Weidler, J. C. Ainsworth, S. G. Reed, Paul Schulze, H. W. Corbett, C. H. Lewis, and J. N. Dolph of Portland. The Oregon and Transcontinental company was formed June 1881, its object being to bring under one control the Northern Pacific and Oregon Railway and Navigation companies, which was done by the wholesale purchase of Northern Pacific stock by Villard, the president of the other company. Its first board of directors, chosen September 15, 1881, consisted of Frederick Billings, Ashbel H. Barney, John W. Ellis, Rosewell G. Rolston, Robert Harris, Thomas F. Oakes, Artemus H. Holmes, and Henry Villard of New York, J. L. Stackpole, Elijah Smith, and Benjamin P. Cheney of Boston, John C. Bullitt of Philadelphia, and Henry E. Johnston of Baltimore. Villard was elected president, Oakes vice-president, Anthony J. Thomas second vice-president, Samuel Wilkinson secretary, and Robert L. Belknap treasurer. *Smalley's Hist. N. P. Railroad*, 270–1.

Seven years after Holladay was forced out of Oregon, the Oregon Central was completed to Eugene, the Oregon and California to the southern boundary of Douglas county, the Dayton and Sheridan narrow-gauge road constructed to Airley, twenty miles south of Sheridan, and another narrow-gauge on the east side of the Willamette making connection with this one, and running south to Coburg in Lane county, giving four parallel lines through the heart of the valley. A wide-gauge road was constructed from Portland, by the way of the Columbia, to The Dalles, and eastward to Umatilla, Pendleton, and Baker City, on its way to Snake River to meet the Oregon short line on the route of the Portland, Dalles, and Salt Lake road of 1868–9. North-eastward from Umatilla a line of road extended to Wallula, Walla Walla, Dayton, Grange City in Washington, and Lewiston in Idaho; while the Northern Pacific sent out a branch eastward to gather in the crops of the Palouse region at Colfax, Farmington, and Moscow; and by the completion of the Oregon

short line and the Oregon and California branch of the Central Pacific, there were three transcontinental routes opened from the Atlantic to the Columbia River. In 1885 a railroad was in process of construction from the Willamette to Yaquina Bay, destined to be extended east to connect with an overland road, and another projected. The projectors of the Winnemucca and Salt Lake roads deserve mention. Both had been surveyor-generals of Oregon. W. W. Chapman, who was appointed in territorial times, and was thoroughly acquainted with the topography of the country, selected the route via the Columbia and Snake rivers to Salt Lake, both as one that would be free from snow and that would develop eastern Oregon and Washington and the mining regions of Idaho. He made extensive surveys, attended several sessions of congress, and sent an agent to London at his own expense, making himself poor in the effort to secure his aims. The state legislature granted the proceeds of its swamp-lands in aid of his enterprise, and the city council of Portland granted to his company the franchise of building a bridge across the Willamette at Portland. But he failed, because the power of the Central Pacific railroad of California was exerted to oppose the construction of any road connecting Oregon with the east which would not be tributary to it.

Chapman died in 1884, after living to see another company constructing a road over the line of his survey. He had been the first surveyor-general of Iowa, its first delegate in congress, and one of its first presidential electors. On coming to Oregon he became one of the owners in Portland town site, and with his partner, Stephen Coffin, built the *Gold Hunter*, the first ocean steamer owned in Oregon, which, through the bad faith of her officers, ruined her owners. *Gaston's Railroad Development in Or.*, 73–8. B. J. Pengra, appointed by President Lincoln, was, as I have already said, the founder of the Winnemucca scheme. While in office he explored this route, and secured from congress the grant to aid in the construction of a military wagon-road to Owyhee, of which the history has been given. His railroad survey passed over a considerable portion of the route of the military road, the opening of which promoted the settlement of the country. But for the opposition of Holladay to his land-grant bill, it would have passed as desired, and the Central Pacific would have constructed this branch; but owing to this opposition it failed. Pengra resided at Springfield, where he had some lumber-mills.

A man who has had much to do with Oregon railroads is James Boyce Montgomery, who was born in Perry co., Penn., in 1832, and sent to school in Pittsburgh. He learned printing in Philadelphia, in the office of the *Bulletin* newspaper, and took an editorial position on the *Register*, published at Sandusky, Ohio, owned by Henry D. Cooke, afterwards first governor of the District of Columbia. From Sandusky he returned to Pittsburgh in 1853, and purchased an interest in the *Daily Morning Post*. About 1857 he was acting as the Harrisburg correspondent of the *Philadelphia Press* for a year or more. Following this, he took a contract to build a bridge over the Susquehanna River for the Philadelphia and Erie railroad, 6 miles above Williamsport, Penn., his first railroad contract. Subsequently he took several contracts on eastern roads, building portions of the Lehi and Susquehanna, the Susquehanna Valley, and other railroads, and was an original owner in the Baltimore and Potomac railroad with Joseph D. Potts, besides having a contract to build 150 miles of the Kansas Pacific, and also a portion of the Oil Creek and Alleghany railroad in Penn. In 1870 Montgomery came to the Pacific coast, residing for one year on Puget Sound, since which time he has resided in Portland, where he has a pleasant home. His wife is a daughter of Gov. Phelps of Mo. The first railroad contract taken in the north-west was the first 25-mile division of the Northern Pacific, beginning at Kalama, on the Columbia River, and extending towards Tacoma. Since that he has completed the road from Kalama to Tacoma, and from Kalama south to Portland. Montgomery started the subscription on which the first actual money was raised to build the Northern Pacific, in Dec. 1869. Jay Cooke had agreed to furnish $5,600,000 to float the bonds of the company by April 1, 1870, and Montgomery, at his request, undertook to raise a part of it, in which he was

successful, J. G. Morehead, H. J. Morehead, William Phillips, William M. Lyon, Henry Loyd, Joseph Dilworth, James Watts, and others subscribing $800,000. This money was expended in constructing the first division of the road. Montgomery at the same time took a contract to build a drawbridge across the Willamette at Harrisburg, the first drawbridge in Oregon, 800 feet long, with a span of 240 feet. Subsequently he went to Scotland to organize the Oregon Narrow-Gauge Company, Limited, which obtained control of the Dayton, Sheridan, and Corvallis narrow-gauge road built by Gaston, in which he was interested, as well as some Scotch capitalists. It was Villard's idea to get a lease of this and the narrow-guage road on the east side of the valley, to prevent the Central or Union Pacific railroads from controlling them, as it was thought they would endeavor to. They were accordingly leased to the Oregon Railway and Navigation Company, but to the detriment of the roads, which are not kept in repair. At one time the directors of the O. R. & N. Co. refused to pay rent, and the matter was in the courts. Montgomery erected a saw-mill at Skamockawa, on the north side of the Columbia, which will cut 15,000,000 feet of lumber annually. He is also in the shipping business, and ships a large quantity of wheat yearly. This, with a history of the N. P. R. R., I have obtained from *Montgomery's Statement*, MS., 1–30.

COUNTIES OF OREGON.

The condition of counties and towns which I shall briefly give in this place will fitly supplement what I have already said. They are arranged in alphabetical order. I have taken the tenth census as a basis, in order to put all the counties on the same footing.

Baker county, named after E. D. Baker, who fell at the battle of Edwards' ferry in October 1861, was organized September 22, 1862, with Auburn as the county seat. An enabling act was passed and approved in 1866, to change the county seat to Baker City by a vote of the county, which was done. In 1872 a part of Grant county was added to Baker. The county contains 15,912 square miles, about 50,000 acres of which is improved among 453 farmers, the principal productions being barley, oats, wheat, potatoes, and fruit. The whole value of farm products for 1879, with buildings and fences, was $799,468. The value of live-stock was $1,122,765, a difference which shows stock-raising rather than grain-growing to be the business of the farmers. About 50,000 pounds of wool was produced. The total value of real estate and personal property for this year was set down at a little over $931,000. The population for the same period was 4,616, a considerable portion of whom were engaged in mining in the mountain districts. *Comp. X. Census*, xl. 48, 723, 806–7. Baker City, the county seat, was first laid out under the United States town-site law by R. A. Pierce in 1868. It is prettily located in the Powder River Valley, and is sustained by a flourishing agricultural and mining region on either hand. It has railroad communication with the Columbia. It was incorporated in 1874, and has a population of 1,258. *Pacific North-west*, 41; *McKinney's Pac. Dir.*, 255; *Or. Laws*, 1874, 145–55. The famous Virtue mine is near Baker City. The owner, who does a banking business in the town, had a celebrated cabinet of minerals, in which might be seen the ores of gold, silver, copper, lead, cinnabar, iron, tin, cobalt, tellurium, and coal, found in eastern Oregon, besides which were curios in minerals from every part of the world. Auburn, the former county seat, was organized by the mining population June 17, 1862, and incorporated on the following 25th of September, to preserve order. *Ebey's Journal*, MS., viii. 81–2, 84, 87, 94; *Or. Jour. House*, 1862, 113, 128. The other towns and post-offices of Baker county are Wingville, Sparta, Powderville, Pocahontas, Express Ranch, El Dorado, Clarksville, Mormon Basin, Amelia City, Rye Valley, Humboldt Basin, Stone, Dell, Weatherby, Conner Creek, Glenn, Malheur, Jordan Valley, and North Powder.

Benton county, named after Thomas H. Benton of Missouri, was created and organized December 23, 1847, including at that time all the country on

the west side of the Willamette River, south of Polk county and north of the northern boundary line of California. On the 15th of January, 1851, the present southern boundary was fixed. It contains 1,870 square miles, extending to the Pacific ocean, and including the harbor of Yaquina Bay. Population in 1879, 6,403. The amount of land under improvement in this year was 138,654 acres, valued at $3,188,251. The value of farm products was $716,096; of live-stock, $423,632; of orchard products, $16,404. Assessed valuation of real and personal property in the county, $1,726,387. Grain-raising is the chief feature of Benton county farming, but dairying, sheep-raising, and fruit-culture are successfully carried on. Coal was discovered in 1869, but has not been worked.

Corvallis, called Marysville for five or six years by its founder, J. C. Avery, is Benton's county seat, and was incorporated January 28, 1857. It is beautifully situated in the heart of the valley, as its name indicates, and has a population of about 1,200. It is the seat of the state agricultural college, and has connection with the Columbia, and the Pacific ocean at Yaquina Bay, and also with the southern part of the state by railroad. It is more favorably located in all respects than any other inland town. Philomath, a collegiate town, is distant about eleven miles from Corvallis, on the Yaquina road. It was incorporated in October 1882. Monroe, named after a president, on the Oregon Central railroad, Alseya on the head-waters of Alseya River, Newport on Yaquina Bay near the ocean, Elk City at the head of the bay, Oysterville on the south side of the bay, Toledo, Yaquina, Pioneer, Summit, Newton, Tidewater, Waldoport, and Wells are all small settlements, those that are situated on Yaquina Bay having, it is believed, some prospects in the future.

Clackamas county, named from the tribe of Indians inhabiting the shores of a small tributary to the Willamette coming in below the falls, was one of the four districts into which Oregon was divided by the first legislative committee of the provisional government, in July 1843, and comprehended 'all the territory not included in the other three districts,' the other three taking in all south of the Columbia except that portion of Clackamas lying north of the 'Anchiyoke River.' Pudding River is the stream here meant. Its boundaries were more particularly described in an act approved December 19, 1845, and still further altered by acts dated January 30, 1856, October 17, 1860, and October 17, 1862, when its present limits were established. *Or. Archives*, 26; *Or. Gen. Laws*, 537-8. It contains 1,434 square miles, about 71,000 acres of which is under improvement. The surface being hilly, and much of it covered with heavy forest, this county is less advanced in agricultural wealth than might be expected of the older settled districts; yet the soil when cleared is excellent, and only time is required to bring it up to its proper rank. The value of its farms and buildings is considerably over three millions, of live-stock a little over four hundred thousand, and of farm products something over six hundred thousand dollars. In manufactures it has been perhaps the third county in the state, but should, on account of its facilities, exceed its rivals in the future. It is difficult to say whether it is the second or third, Multnomah county being first, and Marion probably second. But the difference in the amount of capital expended and results produced leave it almost a tie between the latter county and Clackamas. Marion has $606,330 invested in manufactures, pays out for labor $147,945 annually, uses $1,095,920 in materials, and produces $1,424,979; while Clackamas has invested $787,475, pays out for labor $156,927, uses $816,625 in materials, and produces $1,251,691. Marion has a little the most capital invested, and produces a little the most, but uses $278,295 more capital in materials, while paying only $8,982 less for labor. *Comp. X. Census*, ii. 1007-8. The principal factories are of woollen goods. Assessed valuation considerably over six millions. Population, 9,260. Oregon City, founded by John McLoughlin in 1842, is the county seat, whose history for a number of years was an important part of the territorial history, being the first, and for several years the only, town in the Willamette Valley. It was incorporated Septem-

ber 25, 1849. Its principal feature was its enormous water-power, estimated at a million horse-power. It had early a woollen-mill, a grist-mill, a lumber-mill, a paper-mill, a fruit-preserving factory, and other minor manufactures. The population of Oregon City is, according to the tenth census, 1,263, although it is given ten years earlier at 1,382. It is on the line of the Oregon and California railroad, and has river communication with Salem and Portland. A few miles north of the county seat is Milwaukee, founded by Lot Whitcomb as a rival to Oregon City, in March 1850. It is the seat of one of the finest flouring mills in the state, and is celebrated for its nurseries, which have furnished trees to fruit-growers all over the Pacific coast. Its population is insignificant. A mile or two south of Oregon City is Canemah, founded by F. A. Hedges about 1845, it being the lowest landing above the falls, and where all river craft unloaded for the portage previous to the construction of the basin and breakwater, by which boats were enabled to reach a landing at the town. It afterward became a suburb of Oregon City, boats passing through locks on the west side of the river without unloading. About half-way between the falls and Portland was established Oswego, another small town, but important as the location of the smelting-works, erected in 1867 at a cost of $100,000, to test the practicability of making pig-iron from the ore found in that vicinity, which experiment was entirely successful. Other towns and post-offices in Clackamas county are Clackamas, Butte Creek, Damascus, Eagle Creek, Glad Tidings, Highland, Molalla, Needy, New Era, Sandy, Springwater, Union Mills, Viola, Wilsonville, Zion.

Clatsop county, named after the tribe which inhabited the sandy plains west of Young Bay, at the mouth of the Columbia, was established June 22, 1844, on the petition of Josiah L. Parrish. The present boundaries were fixed January 15, 1855, giving the county 862 square miles, most of which is heavily timbered land. The value of farms, buildings, and live-stock is a little over $307,000; but the assessed valuation of real and personal property is a trifle over $1,136,000, and the gross value nearly double that amount.

The principal industries of the county are lumbering, fishing, and dairying. The population is about 5.500, except in the fishing season, when it is temporarily at least two thousand more. *Resources Or. and Wash.*, 1882, 213; *Comp. X. Census*, 367. Astoria, the county seat, was founded in 1811 by the Pacific Fur Company, and named after John Jacob Astor, the head of that company. It passed through various changes before being incorporated by the Oregon legislature January 18, 1856. Its situation, just within the estuary of the Columbia, has been held to be sufficient reason for regarding this as the natural and proper place for the chief commercial town of Oregon. But the application of steam to sea-going vessels has so modified the conditions upon which commerce had formerly sought to establish centres of trade that the custom-house only, for many years, compelled vessels to call at Astoria. It has now, however, a population of about 3,000, and is an important shipping point, the numerous fisheries furnishing and requiring a large amount of freight, and in the season of low water in the Willamette, compelling deep-water vessels to load in the Columbia, receiving and handling the immense grain and other exports from the Willamette Valley and eastern Oregon. Its harbor is sheltered by the point of the ridge on the east side of Young Bay from the storm-winds of winter, which come from the south-west. There is but little level land for building purposes, but the hills have been graded down into terraces, one street rising above another parallel to the river, affording fine views of the Columbia and its entrance, which is a dozen miles to the west, a little north. Connected by rail with the Willamette Valley and eastern Oregon, the locks at the cascades of the Columbia at the same time giving uninterrupted navigation from The Dalles to the mouth of the river, Astoria is destined to assume yet greater commercial importance. There are no other towns of consequence in this county. Clatsop, incorporated in 1870, Skippanon, Clifton, Jewell, Knappa, Olney, Mishawaka, Seaside House, Fort Stevens, and Westport are either fishing and lumbering establishments, or small agricultural settlements. Westport is the most thriving of these settlements, half agricultural and half commercial.

Columbia county, lying east of Clatsop in the great bend of the lower Columbia, was cut off from Washington county January 23, 1854. It contains 575 square miles, and has a water line of over fifty miles in extent. It has between fourteen and fifteen thousand acres of land under improvement, valued, with the buildings, at $406,000, with live-stock worth over $77,000, and farm products worth $73,000, consisting of the cereals, hay, potatoes, butter, and cheese. It has several lumbering establishments and a few smaller manufactories. The natural resources of the county are timber, coal, building-stone, iron, fish, and grass. The assessed valuation upon real and personal property in 1879 was $305,283. The population was little over 2,000, but rapidly increasing. St Helen, situated at the junction of the lower Willamette with the Columbia, is the county seat. It was founded in 1848 by H. M. Knighton, the place being first known as Plymouth Rock, but having its name changed on being surveyed for a town site. It is finely situated for a shipping business, and has a good trade with the surrounding country, although the population is not above four hundred. There are coal and iron mines in the immediate vicinity. Columbia City, founded in 1867 by Jacob and Joseph Caples, two miles below St Helen, is a rival town of about half the population of the latter. It has a good site, and its interests are identical with those of St Helen. The Pacific branch of the Northern Pacific railway passes across both town-plats, coming near the river at Columbia City. Rainier, twenty miles below Columbia City, was laid off in a town by Charles E. Fox about 1852. Previous to 1865, by which time a steamboat line to Monticello on the Cowlitz was established, Rainier was the way-station between Olympia and Portland, and enjoyed considerable trade. Later it became a lumbering and fishing establishment. The other settlements in Columbia county are Clatskanie, Marshland, Pittsburg, Quinn, Riverside, Scappoose, Vernonia, Neer City, Bryantville, and Vesper.

Coos county was organized December 22, 1853, out of portions of Umpqua and Jackson counties. The name is that of the natives of the bay county. It contained about the same area as Clatsop, and had over 25,000 acres of improved land, valued, with the improvements, at $1,188,349. The legislature enlarged Coos county by taking off from Douglas on the north and east enough to straighten the north boundary and to add two rows of townships on the east. *Or. Jour. House*, 1882, 290. It is now considerably larger than Clatsop. The live-stock of the county is valued at over $161,000, and of farm products for 1879 over $209,000. Total of real and personal assessed valuation was between $800,000 and $900,000. The gross valuation in 1881–2 was over $1,191,000, the population being a little over 4,800, the wealth of the county per capita being $329. This county is the only one in Oregon where coal-mining has been carried on to any extent. A line of steamers has for many years been carrying Coos Bay coal to S. F. market. The second industry of the county is lumbering, and the third ship-building, the largest ship-yard in the state being here. Farming has not been much followed, most of the provisions consumed at Coos Bay being brought from California. Fruit is increasing in production, and is of excellent quality. Beach-mining for gold has been carried on for thirty years. Iron and lead ores are known to exist, but have not been worked. There are also extensive quarries of a fine quality of slate. The valleys of Coos and Coquille rivers are exceedingly fertile, and the latter produces the best white cedar timber in the state, while several of the choice woods used in furniture factories abound in this county. Empire City, situated four miles from the entrance to Coos Bay, on the south shore, is the county seat, with a population of less than two hundred. It was founded in the spring of 1853 by a company of adventurers, of which an account has been given in a previous chapter, and for some years was the leading town. Marshfield, founded only a little later by J. C. Tolman and A. J. Davis, soon outstripped all the towns in the county, having about 900 inhabitants and a thriving trade. It is situated four miles farther from the ocean than Empire City, on the same shore. Between the two is the lumbering establishment of North Bend.

The place is beautifully situated, and would be rapidly settled did not the proprietors refuse to sell lots, preferring to keep their employés away from the temptations of miscellaneous associations. Still farther up the bay and river, beyond Marshfield, are the settlements of Coos City, Utter City, Coaledo, Sumner, and Fairview. Coquille City is prettily situated near the mouth of Coquille River, and has about two hundred inhabitants. It is hoped by improving the channel of the river, which is navigable for 40 miles, to make it a rival of Coos Bay as a port for small sea-going vessels, the government having appropriated $130,000 for jetties at this place, which have been constructed for half a mile on the south side of the entrance. Myrtle Point, at the head of tide-water, is situated on a high bluff on the right bank of the Coquille, in the midst of a fine lumber and coal region. It was settled in 1858 by one Myers, who sold out to C. Lehnhere, and in 1877 Binger Herman, elected in 1884 to congress, bought the land on which the town stands, and has built up a thriving settlement. Other settlements in the Coquille district are Dora, Enchanted Prairie, Freedom, Gravel Ford, Norway, Randolph, Boland, and Cunningham. *Gale's Coos Co. Dir.*, 1875, 35–61; *Official P. O. List*, Jan. 1885, 499; *Roseburg Plaindealer*, Aug. 15, 1874.

Crook county, named after General George Crook, for services performed in Indian campaigns in eastern Oregon, was cut off from the south end of Wasco county, by legislative act, October 9, 1882. The north line is drawn west from the bend of the John Day River, and east up the centre of the Wasco channel of said river to the west boundary of Grant county, thence on the line between Grant and Wasco counties to the south-east corner of Wasco, thence west to the summits of the Cascade Mountains, and thence along them to the intersection of the north line. It lies in the hilly region where the Blue Mountains intersect the foot-hills of the Cascade Range, and for years has been the grazing-ground of immense herds of cattle. There are also many valleys fit for agriculture. Prineville is the county seat. It is situated on Ochoco River, near its junction with Crooked River, a fork of Des Chutes, and has a population of several hundred. It was incorporated in 1880. Ochoco, Willoughby, Bridge Creek, and Scissorsville are the subordinate towns.

Curry county, named after Governor George L. Curry, organized December 18, 1855, is comparatively an unsettled country, having only a little more than 1,200 inhabitants. Its area is greater than that of Coos, the two counties comprising 3,331 square miles, not much of which belonging to Curry has been surveyed. The value of farm property is estimated at between five and six hundred thousand dollars. The assessed valuation for 1879 was about $220,000. The territorial act establishing the county provided for the selection of a county seat by votes at the next general election, which was prevented by the Rogue River Indian war. At the election of 1858 Ellensburg, a mining town, was chosen, and the choice confirmed by state legislative enactment in October 1860. Port Orford is the principal port in Curry county. Chetcoe is the only other town on the coast. There is no reason for the unsettled condition of Curry except its inaccessibility, which will be overcome in time, when its valuable forests and minerals will be made a source of wealth by a numerous population. Salmon-fishing is the principal industry aside from lumbering and farming.

Douglas county, named after Stephen A. Douglas, was created January 7, 1852, out of that part of Umpqua county which lay west of the Coast Range. In 1864 the remainder of Umpqua was joined to Douglas, and Umpqua ceased to be. Its boundaries have been several times altered, the last time in 1882, when a small strip of country was taken off its western border to give to Coos. Its area previous to this partition was 5,796 square miles. The valuation of its farms, buildings, and live-stock is nearly five million dollars. A large portion of its wealth comes from sheep-raising and wool-growing. In 1880 Douglas county shipped a million pounds of wool, worth three to four cents more per pound than Willamette Valley wool, and sold 27,000 head of sheep

to Nevada farmers. The valuation of assessable real and personal property is between two and three millions. In that part of the county which touches the sea-coast lumbering and fishing are important industries. Gold-mining is still followed in some localities with moderate profits. The population is between nine and ten thousand. Roseburg, named after its founder, Aaron Rose, was made the county seat in 1853. It was often called Deer creek until about 1856–7. It is beautifully situated at the junction of Deer creek with the south fork of the Umpqua, in the heart of the Umpqua Valley, has about 900 inhabitants, and is the principal town in the valley. It was incorporated in 1868. Oakland is a pretty town of 400 inhabitants, so named by its founder, D. S. Baker, from its situation in an oak grove. *Deady's Hist. Or.*, MS., 79. It is on Calapooya creek, a branch of the Umpqua River, and the Oregon and California railroad passes through it to Roseburg. Wilbur is another picturesque place on the line of this road, named after J. H. Wilbur, founder of the academy at that place. It is only an academic town, with two hundred population. Cañonville, at the north end of the Umpqua cañon, has a population of two or three hundred. Winchester, named for Colonel Winchester of the Umpqua Company, the first county seat of Douglas county, Galesville, named from a family of that name, Myrtle Creek, Camas Valley, Looking Glass, Ten Mile, Cleveland, Umpqua Ferry, Cole's Valley, Rice Hill, Yoncalla, Drain, Comstock, Elkton, Sulphur Springs, Fair Oaks, Civil Bend, Day Creek, Elk Head, Kellogg, Mount Scott, Patterson's Mills, Round Prairie, are the various smaller towns and post-offices in the valley. Scottsburg, situated at the head of tide-water on the lower river, named for Levi Scott, its founder in 1850, and by him destined to be the commercial entrepot of southern Oregon, is now a decayed mountain hamlet. The lower town was all washed away in the great flood of 1861–2, and a whole street of the upper town, with the military road connecting it with the interior country, was made impassable. Another road has been constructed over the mountains, and an attempt made to render the Umpqua navigable to Roseburg, a steamer of small dimensions and light draught being built, which made one trip and abandoned the enterprise, condemning Scottsburg to isolation and retrogression. Gardiner, situated on the north bank of the Umpqua, eighteen miles lower down—named by A. C. Gibbs after Captain Gardiner of the *Bostonian*, a vessel wrecked at the entrance to the river in 1850—laid out in 1851, was the seat of customs collection for several years, during which it was presumed there was a foreign trade. At present it is the seat of two or more lumbering establishments, a salmon-cannery, and a good local trade.

Gilliam county was set off mostly from Wasco, partly from Umatilla, in the spring of 1885. First county officers: commissioners, A. H. Wetherford, W. W. Steiver; judge, J. W. Smith; clerk, —— Lucas; sheriff, J. A. Blakely; treasurer, Harvey Condon; assessor, J. C. Cartwright. The town site of Alkali, the present county seat, was laid off in 1882 by James W. Smith, a native of Mississippi. First house built in the latter part of 1881, by E. W. Rhea.

J. H. Parsons, born in Randolph co., Va, came to Cal. in 1857, overland, with a train of 30 wagons led by Capt. L. Mugett, and located in San José Valley, where for twelve years he was a lumber dealer. In 1869 he went to British Columbia and was for 8 years engaged in stock-raising on Thompson's River, after which he settled on John Day River, Oregon, in what is now Gilliam co. He married, in 1877, Josephine Writsman, and has 4 children. He owns 320 acres of bottom-land, has 5 square miles of pasture under fence, has 2,000 head of cattle, and 200 horses. His grain land produces 30 bushels of wheat or 60 bushels of barley to the acre.

Grant county, called after U. S. Grant, occupying a central position in eastern Oregon, contains over fifteen square miles, of which only about one-ninth has been surveyed, less than 200,000 acres settled upon, and less than forty thousand improved. It was organized out of Wasco and Umatilla counties, October 14, 1864, during the rush of mining population to its placers on the head waters of the John Day. *Spec. Laws*, in *Or. Jour. Sen.*, 1864, 43–4.

Its boundaries were defined by act in 1870. *Or. Laws*, 1870, 167–8. In 1872 a part was taken from Grant and added to Baker county. *Or. Laws*, 1872, 34–5. These placers no longer yield profitable returns, and are abandoned to the Chinese. There are good quartz mines in the county, which will be ultimately developed. The principal business of the inhabitants is horse-breeding and cattle-raising; but there is an abundance of good agricultural land in the lower portions. The population is about 5,000. The gross valuation of all property in 1881 was over $1,838,000, the chief part of which was in live-stock.

Cañon City, the county seat, was founded in 1862, and incorporated in 1864. It is situated in a cañon of the head-waters of John Day River, in the centre of a rich mining district now about worked out. It had 2,500 inhabitants in 1865. A fire in August 1870 destroyed property worth a quarter of a million, which has never been replaced. The present population is less than 600 for the whole precinct in which Cañon City is situated, which comprises some of the oldest mining camps. Prairie City, a few miles distant, Robinsonville, Mount Vernon, Monument, Long Creek, John Day, Granite, Camp Harney, and Soda Spring are the minor settlements.

Jackson county, from Andrew Jackson, president, was created January 12, 1852, out of the territory lying south of Douglas, comprising the Rogue River Valley and the territory west of it to the Pacific ocean. Its boundaries have been several times changed, by adding to it a portion of Wasco and taking from it the county of Josephine, with other recent modifications. Its present area is 4,689 square miles, one third of which is good agricultural land, about 91,000 acres of which is improved. Corn and grapes are successfully cultivated in Jackson county in addition to the other cereals and fruits. The valuation of its farms and buildings is over $1,600,000, of live-stock half a million, and of farm products over half a million annually. The valuation of taxable property is nearly two millions. The population is between eight and nine thousand. Mining is the most important industry, the placers still yielding well to a process of hydraulic mining. Jacksonville, founded in 1852, was established as the county seat January 8, 1853, and incorporated in 1864. It owed its location, on Jackson creek, a tributary of Rogue River, to the existence of rich placers in the immediate vicinity, yet unlike most mining towns, it occupies a beautiful site in the centre of a fertile valley, where it must continue to grow and prosper. It is now, as it always has been, an active business place. The population has not increased in twenty years, but has remained stationary at between eight and nine hundred. This is owing to the isolation of the Rogue River Valley, the ownership of the mines by companies, and the competition of the neighboring town of Ashland. *Bowles' New West*, 449; *Hines' Or.*, 78–9; *Bancroft (A. L.), Journey to Or.*, 1862, MS., 44. The town of Ashland, founded in 1852 by J. and E. Emry, David Hurley, and J. A. Cardwell, and named after the home of Henry Clay, has a population about equal to Jacksonville. It is the prettiest of the many pretty towns in southern Oregon, being situated on Stuart creek, where it tumbles down from the foot-hills of the Cascade Range with a velocity that makes it a valuable power in operating machinery, and overlooking one of the most beautiful reaches of cultivable country on the Pacific coast. It has the oldest mills in the county, a woollen factory, marble factory, and other manufactories, and is the seat of the state normal school. *Cardwell's Emigrant Company*, MS., 14; *Ashland Tidings*, May 3, 1878. The minor towns in this county are Barron, Phœnix, Central Point, Willow Springs, Rock Point, Eagle Point, Big Butte, Brownsborough, Pioneer, Sam's Valley, Sterlingville, Thomas' Mill, Uniontown, Woodville, and Wright.

A pioneer of Jackson county is Thomas Fletcher Beall, who was born in Montgomery co., Md, in 1793, his mother, whose maiden name was Doras Ann Bedow, being born in the same state when it was a colony, and dying in it. In 1836 his father, Thomas Beall, removed to Illinois, and his son accompanied him, remaining there until 1852, when he emigrated to Oregon, settling in Rogue River Valley. In 1859 he married Ann Hall of Champaign

co., Ohio, then living in Douglas co., Or. They have 12 children—8 boys and 4 girls. Beall was elected to the legislature, and served at the regular session of 1864, and at the called session of 1865 for the purpose of ratifying the 15th amendment of the U. S. constitution. He was again elected in 1884. He has served as school director in his district for 25 years, less one term.

John Lafayette Rowe was born in Jackson co., Or., in 1859, his parents being pioneers. He married Martha Ann Smith, Jan. 1, 1883.

Mrs John A. Cardwell, widow first of William Steadman, was born in Ireland in 1832, removed to Australia in 1849, married Steadman in 1850, removed to San Francisco in 1851, and was left a widow in 1855. She married Cardwell, an Englishman, the following year, and they removed to Sanis Valley in Jackson co., Or., where Cardwell died in May 1882. Mrs Cardwell has had 5 sons and 6 daughters, one of whom died in 1868. Cardwell wrote the *Emigrant Company*, MS., from which I have quoted.

Andrew S. Moore, born in Susquehanna co., Ohio, in 1830, emigrated to Oregon in 1859, settling in Sanis Valley, Jackson co., where he has since resided, engaged in farming. In 1864 he married Melissa Jane Cox, of Linn co., Iowa. They have 7 sons and 4 daughters.

Arad Comstock Stanley, born in Missouri in 1835, was bred a physician, and emigrated to California in 1864, settling near Woodland. He removed to Jackson co., Or., in 1875, settling in Sanis Valley where he has a farm, but practices his profession. He married Susan Martin in 1862. Their only child is Mrs Sedotha L. Hannah, of Jackson co.

John B. Wrisley, born in Middlebury, Vt, in 1819, removed to New York, Michigan, and Wisconsin, where he married Eliza Jane Jacobs of Iowa co., in 1843. He came to California in 1849, and to Rogue River Valley in 1852. His daughter Alice was the first white girl born in the valley. She married C. Goddard of Medford, Jackson co. Wrisley voted for the state constitutions of Wisconsin, California, and Oregon; has been active in politics, but always rejected office.

Joshua Patterson was born in Michigan in 1857, immigrated to Oregon in 1862, and settled in Rogue River Valley. He married, in 1880, Ella Jane Fewel, and resides at Ashland. Has 2 children.

Thomas Curry, born near Louisville, Ky, in 1833, removed with his parents to Ill., and came to Or. in 1853, settling in the Rogue River Valley, where he has since resided. In 1863 he married Mary E. Sutton, who came with her parents to Or. in 1854. Of 5 children born to them, 2 are now living.

Jacob Wagner, an immigrant of 1851, was born in Ohio in 1820, and removed with his parents first to Ind. and afterwards to Iowa. Settling in Ashland, he has been engaged in farming and milling during a generation. He married Ellen Hendricks of Iowa, in 1860, by whom he has had 7 children, 2 of whom are dead.

Franklin Wertz, born in Pa in 1836, married Martha E. V. Beirly of his state, and the couple settled at Medford, where 5 children have been born to them.

Josephine county, cut off from Jackson January 22, 1856, was named after Josephine Rollins, daughter of the discoverer of gold on the creek that also bears her name. Its area is something less than that of Curry or Jackson, between which it lies, and but a small portion of it is surveyed. The amount of land cultivated is not over 20,000 acres, nor the value of farms and improvements over $400,000, while another $300,000 would cover the value of livestock and farm products. The valuation of taxable property is under $400,000. Yet this county has a good proportion of fertile land, and an admirable climate with picturesque scenery to make it fit for settlement, and only its exclusion from lines of travel and facilities for modern advantages of education and society has prevented its becoming more populous. Mining is the chief vocation of its 2,500 inhabitants. When its mines of gold, silver, and copper come to be worked by capitalists, it will be found to be possessed of immense resources. Kirbyville, founded in 1852, is the county seat. The

people of this small town have attempted to change its name, but without success. An act was passed by the legislature in 1858 to change it to Napoleon—a questionable improvement. *Or. Laws*, 1858–9, 91. It was changed back by the legislature of 1860. *Or. Jour. Sen.*, 1860, 68. The question of whether the county seat should be at Wilderville or Kirbyville was put to vote by the people in 1876, and resulted in a majority for Kirbyville. *Or. Jour. House.* It retains not only its original appellation, but the honor of being the capital of the county. The towns of Althouse, Applegate, Waldo, Slate Creek, Murphy, Galice, and Leland are contemporaries of the county seat, having all been mining camps from 1852 to the present. Lucky Queen is more modern.

Klamath county, the name being of aboriginal origin, was established October 7, 1882, out of the western part of Lake county, which was made out of that part of Jackson county which was taken from the south end of Wasco county. It contains 5,544 square miles, including the military reservation and the Klamath Indian reservation. The recent date of the division of territory leaves out statistical information. The altitude of the country on the east slope of the Cascade Mountains makes this a grazing rather than an agricultural county, although the soil is good and the cereals do well, excepting Indian corn. Linkville, situated on Link River, between the Klamath lakes, was founded by George Nourse, a sutler from Fort Klamath, about 1871, who built a bridge over the stream and a hotel on the east side, and so fixed the nucleus of the first town in the country. It is the county seat and a thriving business centre. Nourse planted the first fruit-trees in the Klamath country, which in 1873 were doing well. It contains the minor settlements of Fort Klamath, Klamath Agency, Langell, Bonanza, Merganser, Yainax, Tule Lake, and Sprague River.

Simpson Wilson, born in Yamhill co. in 1849, is a son of Thomas A. Wilson, who migrated to Oregon in 1847. Father and son removed to Langell Valley, in what is now Klamath co., in 1870, to engage in stock-raising. Simpson Wilson married, on the 16th of July, 1871, at Linkville, Nancy Ellen Hall, who came across the plains with her parents from Iowa, in 1858. This was the first marriage celebrated in Klamath co. They have 2 sons and 3 daughters.

John T. Fulkerson was born in Williams co., Ohio, in 1840, his parents having migrated from N. Y. in their youth. In 1860 John T. joined a train of Arkansas emigrants under Captain Joseph Lane, migrating to Cal. and settling in the San Joaquin Valley, where he remained until 1865, when he removed to Jackson co., Oregon, and in 1867 to Langell Valley, being one of the earliest settlers of this region, then still a part of Jackson co. He married, in 1866, Ellen E. Hyatt, formerly of Iowa, who in crossing the plains a few years previous lost her mother and grandmother. They have 4 sons and 3 daughters.

Jonathan Howell, born in Guilford co., N. C., in 1828, and brought up in Ill. He came to Cal. in 1850, overland, and located in Mariposa co., residing there and in Merced and Tulare 9 years, after which he returned to the east and remained until 1876, living in several states during that time. When he returned to the Pacific coast it was to Rogue River Valley that he came, removing soon after to the Klamath basin, and settling near the town of Bonanza. He married, in 1860, Susanna Statsman, born in Schuyler co., Ill. They have living, 2 sons and 1 daughter.

Thomas Jefferson Goodwyn, born in Suffolk co., England, in 1846, went to Australia in 1864, and from there migrated to Oregon ten years later, settling at Bonanza. He married Genevieve Roberts of Jackson co., in 1881, and has 2 sons and 2 daughters.

John McCurdy, born in Pugh co., Va, in 1836, and reared in Ill.; migrated to Portland, Oregon, in 1864, where he chiefly resided until 1880, when he settled in Alkali Valley, Klamath co. He married Frances M. Thomas of McDonough co., Ill., in 1857. They had 2 sons and 1 daughter, when in immigrating his wife died, and was buried in the Bitter Root Mountains.

McCurdy has a brother, Martin V., in Lassen co., Cal., and another brother, Joseph, in Nevada.

Lake county, organized October 23, 1874, took its name from the number of lakes occupying a considerable portion of its surface. It formerly embraced Klamath county, and its first county seat was at Linkville. But by a vote of the people, authorized by the legislature, the county seat was removed to Lakeview, on the border of Goose Lake, in 1876, previous to the setting-off of Klamath county. It contains 6,768 square miles, less than 44,000 acres being improved. Its farms and buildings are valued at $451,000, the assessed valuation of real and personal property being about $700,000, and the total gross valuation over $1,039,000. This valuation is for the county of Lake before its division, there being nothing later to refer to. The population is less than 3,000 for the two counties of Lake and Klamath. The settlements are Drew Valley, Antler, Hot Springs, Chewaucan, White Hill, Sumner, and Silver Lake.

Among the settlers of this comparatively new county are Thomas O. Blair, born in Ohio, who emigrated in 1859 by ox-team. Before starting he married Lovisa Anderson. They reside on Crooked Creek, near Lakeview. Charles A. Rehart, born in Perry co., Ohio, came to Oregon overland in 1865. He follows farming and sheep-raising in the Chewaucan Valley. He married Martha Ann Brooks in Dec. 1876.

Michael Sult, born in Marion co. Ohio, emigrated overland to Oregon in 1859, in company with his sister, Mary Cruzan. He farms and raises stock at Summer Lake. He married, in 1880, Laura Bell Conrad.

George Clayton Duncan, who was born in Ill. in 1827, emigrated to Oregon in 1854, and resides at Paisley, in Lake co. He married Eliza Rinehart in 1848. They have 3 sons and 3 daughters.

Thomas J. Brattain, born in Ill. in 1829, came to Oregon in 1850, overland, and resides at Paisley. He married Permetin J. Gillespie in 1859. They have 3 sons and 1 daughter. There came with them to Oregon John, Alfred, William C., Francis M., and James C. Brattain, brothers; and Elizabeth Ebbert, Mary Brattain, Millie A. Smith, and Martha J. Hadley, sisters.

Lane county, named after Joseph Lane, was organized January 24, 1851, out of Linn and Benton. Its southern boundary was defined December 22, 1853. Its area is 4,492 miles, of which about 229,000 acres are improved. The value of farms and buildings is $4,600,000; of live-stock, $700,000; of farm products, $900,000; and of all taxable property, about $3,400,000. The population is between nine and ten thousand. Extending from the Cascade Mountains to the ocean, Lane county comprises a variety of topographical features, including the foot-hills of Calapooya Range, and the rougher hill land of the Coast Range, with the level surfaces of the Willamette plains. Its productions partake of this variety. Besides grains, vegetables, fruits, and dairy produce, it is the largest hop-producing county in Oregon, the crop of 1882 selling for a million dollars. Eugene City, the principal town, was founded in 1847 by Eugene Skinner. It was chosen for the county seat by a vote of the people in 1853, and incorporated in 1864. It is well located, near the junction of the coast and McKenzie fork of the Willamette, at the head of navigation, surrounded by the picturesque scenery of the mountains which close in the valley a few miles farther south. It is the seat of the state university, with a population of about 1,200. Junction City, at the junction of the Oregon Central and Oregon and California railroads, was built up by the business of these roads. It was incorporated in 1872, and has between three and four hundred inhabitants. The lesser settlements are Cottage Grove, Divide, Latham, Cresswell, Rattlesnake, Goshen, Springfield, Leaburg, Willamette Forks, Irving, Cartwright, Chesher, Linslaw, Spencer Creek, Camp Creek, Cannon, Crow ,Dexter, Florence, Franklin, Ida, Isabel, Long Tom, McKenzie Bridge, Mohawk, Pleasant Hill, Tay, Trent, and Walterville.

Linn county, named in honor of Lewis F. Linn of Missouri, was organized December 28, 1847, 'out of all that territory lying south of Champoeg and east of Benton.' Its southern boundary was established January 4, 1851,

giving an area of about 2,000 square miles, of which 256,000 acres are improved. The valuation of farms and buildings for 1879 was over seven millions, of live-stock nearly a million, and of farm products almost a million and a half. The total valuation of assessable property reached to considerably over four million dollars. The population is between twelve and thirteen thousand. This county has three natural divisions, the first lying between the north and south Santiam rivers; the second between Santiam River and Calapooya creek, and the third between Calapooya creek and the south boundary line, each of which has a business centre of its own. Albany, the county seat, founded in 1848 by Walter and Thomas Montieth, named after Albany, N. Y., by request of James P. Millar, and incorporated in 1864, is the principal town in the county, and the centre of trade for the country between the Santiam and Calapooya rivers. It has a fine water-power, and several manufactories, and is the seat of the presbyterian college. The population is 2,000. Brownsville, incorporated in 1874, Lebanon, and Waterloo, each with a few hundred inhabitants, are thriving towns in this section. Scio, in the forks of the Santiam, incorporated in 1866, is the commercial centre of this district, with a population of about 500. Harrisburg, situated on the Willamette River and the Oregon and California railroad, is the shipping point for a rich agricultural region. It was incorporated in 1866. The present population is 500. Halsey, named after an officer of the railroad company, was founded about 1872, and incorporated in 1876. The lesser towns in this county are Pine, Shedd, Sodaville, Tangent, Oakville, Fox Valley, Jordan, Mabel, Miller, Mount Pleasant, and Crawfordsville.

Marion county, one of the original four districts of 1843, called Champoeg, had its name changed to Marion by an act of the legislature of September 3, 1849, in honor of General Francis Marion. Champoeg, or Champooick, district comprised all the Oregon territory on the east side of the Willamette, north of a line drawn due east from the mouth of Pudding or Anchiyoke River to the Rocky Mountains. *Or. Archives*, 26. Its southern limit was fixed when Linn county was created, and the eastern boundary when the county of Wasco was established in 1854. Its northern line was readjusted in January 1856, according to the natural boundary of Pudding River and Butte Creek, which adjustment gives it an irregular wedge shape. It contains about 1,200 square miles, of which 200,000 acres are under improvement. Its farms and buildings are valued at nearly eight million dollars, its live-stock eight hundred thousand, and its annual farm products at more than a million and a half. The assessed valuation of real and personal property is four million dollars, of all taxable property over six millions. The population is between fourteen and fifteen thousand. Salem, the county seat and the capital of the state, was founded in 1841 by the Methodist Mission, and its history has been given at length. It was named by David Leslie, after Salem, Mass., in preference to Chemeketa, the native name, which should have been retained. It was incorporated January 29, 1858, and has a population of about 5,000. The Willamette university, the state-house, county court-house, penitentiary, churches, and other public and private buildings, situated within large squares bordered by avenues of unusual width and surrounded by trees, make an impression upon the observer favorable to the founders, 'who builded better than they knew.' Salem has also a fine water-power, and mills and factories, and is in every sense the second city in the state. Gervais, named after Joseph Gervais of French Prairie, incorporated in 1874, is a modern town built up by the railroad. Butteville, which takes its name from a round mountain in the vicinity—butte, the French term for isolated elevations, has been adopted into the nomenclature of Oregon, where it appears in Spencer butte, Beaty butte, Pueblo butte, etc.—is an old French town on the Willamette at the north end of French prairie, but not so old as Champoeg in its vicinity. They both date back to the first settlement of the Willamette Valley, and neither have more than from four to six hundred in their precincts. Jefferson, the seat of Jefferson Institute, was founded early in the history of the county, although not incorporated until 1870. It is situated on the north

bank of the Santiam River, ten miles from its confluence with the Willamette, and has fine flouring mills. The population is small. Silverton is another of the early farming settlements, which takes its name from Silver creek, a branch of Pudding River, on which it is situated, and both from the supposed discovery of silver mines at the head of this and other streams in Marion county, about 1857. It was not incorporated until 1874. Aurora was founded by a community of Germans, under the leadership of William Keil, in 1855. The colony was an offshoot of Bethel colony in Missouri, also founded by Keil in 1835. On the death of Keil, about 1879, the community system was broken up. Three hundred of these colonists own 16,000 acres of land at Aurora. *Moss' Pictures Or. City*, MS., 82; *Deady's Hist. Or.*, MS., 78; *S. F. Post*, July 28, 1881. Other towns and post-offices in the county are Hubbard, named after Thomas J. Hubbard, who came to Oregon with Wyeth and settled in the Willamette Valley, Sublimity, Mohama, Fairfield, Aumsville, Turner, Whiteaker, Stayton, Woodburn, Bellpasie, Stipp, Brooks, Saint Paul, and Daly's Mill.

Multnomah county, which has taken a local Indian name, was organized December 23, 1854, out of Washington and Clackamas counties. Its boundaries were finally changed October 24, 1864. It is about fifty miles long by ten in width, and comprises a small proportion of agricultural land, being mountainous and heavily timbered. Less than 27,000 acres are under improvement, the value of farms, including buildings and fences, being $2,283,000, of live-stock less than $200,000, and of farm produce not quite $400,000. The gross value of all property in the county is over nineteen millions, and the valuation of taxable property about fourteen millions. The population is 26,000. The capital invested in manufactures is nearly two millions, and the value of productions approaches three millions. Portland, founded in 1845 by A. L. Lovejoy and F. W. Pettygrove, and named after Portland, Maine, by the latter, is the county seat of Multnomah, and the principal commercial city of Oregon. It was first incorporated in January 1851, at which time its dimensions were two miles in length, along the river, and extending one mile west from it. *Portland Oregonian*, April 15, 1871. The city government was organized April 15, 1851. There is no copy of the incorporation act of 1851 in my library, but the act is mentioned by its title in the *Oregon Statesman* for March 28, 1851, and the date is also given in an article by Judge Deady in the *Overland Monthly*, i. 37. The first mayor chosen was Hugh D. O'Bryant. The ground being thickly covered with a fir forest, there was a long battle with this impediment to improvement, and for twenty years a portion of the town site was disfigured with the blackened shafts of immense trees denuded of their branches by fire. The population increased slowly, by a healthy growth, stimulated occasionally by military operations and mining excitements. In 1850 shipping began to arrive from S. F. for lumber and farm products, and Couch & Co. despatched the first brig to China—the *Emma Preston*. On the 4th of December of that year the first Portland newspaper, the *Weekly Oregonian*, was started by Thomas J. Dryer. In March 1851 the steamship *Columbia* began running regularly between S. F. and Portland, with the monthly mails. The *Columbia*, after running on this line for ten years, was burned in the China seas. In 1853 the first brick building was erected by William S. Ladd. In 1865 there were four churches, one public school, one academy, four printing-offices, four steam saw-mills, a steam flouring mill, and about forty dry-goods and grocery stores, the cash value of the real and personal property of the town being not much short of two and a half millions.

In 1856 the city government took the volunteer fire-companies in charge and purchased an engine. Pioneer Engine Company No. 1 of Portland, the first organized fire-company in Oregon, was formed in May 1851. Its foreman was Thomas J. Dryer of the *Oregonian*, assistant foreman D. C. Coleman, secretary J. B. Meer, treasurer William Seton Ogden. Among the members were some of Portland's most honored citizens, but they had no engine. Vigilance Hook and Ladder Company No. 1 was the next organization, in

July 1853; foreman J. B. Smith, assistant foreman H. W. Davis, secretary Charles A. Poore, treasurer S. J. McCormick. In August of the same year Willamette Engine Company No. 1 was organized, and secured a small engine owned by G. W. Vaughn. The company was officered by foreman N. Ham, assistant foreman David Monastes, second assistant A. Strong, secretary A. M. Berry, treasurer Charles E. Williams. It was admitted to the department in July 1854, and furnished with an engine worked by hand, provided by the city council in 1856, since replaced by a steam apparatus. Multnomah Engine Company No. 2 was admitted to the department in November 1856, using Vaughn's small engine for a year, when they were supplied with a Hunneman engine, the money being raised by subscription. Its first officers were James A. Smith president, B. L. Norden secretary, W. J. Van Schuyver treasurer, William Cummings foreman. These three companies composed the fire department of Portland down to June 1859, when Columbia Engine Company No. 3 was organized. In October 1862 Protection Engine Company No. 4 was added; and in 1873 Tiger Engine Company No. 5. A company of exempt firemen also exists, having a fund from which benefits are drawn for the relief of firemen disabled in the discharge of their duty. Portland has suffered several heavy losses by fire, the greatest being in August 1873, when 250 houses were burned, worth $1,000,000. This conflagration followed close upon a previous one in December 1872, destroying property worth $250,000. The Portland fire department in 1879 numbered 375 members, composed of respectable mechanics, tradesmen, merchants, and professional men. Each of the six companies had a handsome brick engine-house and hall. A dozen alarm-stations were connected by telegraph with the great bell in a tower seventy feet in height. In 1881 steps were taken to secure a paid fire department, which was established soon after. Water-works for supplying the town with water for domestic purposes were begun in this year by Stephen Coffin and Robert Penland, under a city ordinance permitting pipes to be put down in the streets. The right was sold to Henry D. Green in 1860. In 1868 there were eight miles of mains laid, and two reservoirs constructed. The price of water at this date was $2.50 a month for the use of an ordinary family. A charter was granted to Green to manufacture gas for illuminating Portland, by the legislature of 1858-9, the manufactory being completed about the spring of 1860. *Laws Or.*, 1858-9, 55; *Or. Argus*, Sept. 24, 1859; *Oregonian*, Jan. 21, 1860. Price of gas in 1868, $6 per 1,000 feet.

The first theatre erected in Oregon was built by C. P. Stewart at Portland in 1858. It was 100 feet long by 36 wide, and seated 600 persons. It opened November 23d with a good company, but was never permanently occupied. *Or. Statesman*, Nov. 30, 1858. In 1864 theatricals were again attempted, the Keene company and Julia Deane Hayne playing here for a short season. In 1868 a theatre was opened, called the Newmarket, and used for any musical or theatrical performance; but down to 1884 no special theatre building was erected, or theatrical representations kept going for more than a few weeks in the year. Portland, besides lacking the population, was domestic and home-loving in its habits, and also somewhat religious in the middle classes, preferring to build churches rather than theatres. The population at this time was but 1,750, there being but 927 voters in Multnomah county. In 1860 the population had increased to nearly 3,000; in 1862 to a little over 4,000; in 1864 to 5,819, and in 1877 to 6,717. In 1870 the census returns gave 8,300. Since that time the increase has been little more marked, the census of 1880 giving the population at 17,600, to which the five years following added at least 5,000. The original limits were increased, by the addition of Couch's claim on the north and Caruthers' claim on the south, to about three square miles, most of which is laid out, with graded, planked, or paved streets. One line of street-cars, put in operation in 1868, traversed First Street, parallel with the river-front, and one, incorporated in 1881, ran back to and on Eleventh Street. The general style of domestic architecture had improved rapidly with the increase of wealth and population, and Portland business houses became costly and elegant. The gross cash value of property in Portland in 1868 was about

ten millions, and in 1884 was not far from eighteen millions. Deady, in *Overland Monthly*, i. 38; *Reid's Progress of Portland*, 23. The principal public building in Portland in 1868 was the county court-house on Fourth Street, which cost about $100,000, built of brick and stone in 1866. The United States erected the post-office and custom-house building on Fifth Street, of Bellingham Bay freestone, in 1869–70, at a cost, with the furniture, of $450,000. The methodist church on Taylor Street was finished in 1869—the first brick church in the city—costing $40,000. The Masonic Hall and Odd Fellows' Temple were erected about this time, and the market and theatre on First Street. From this period the improvement in architecture, both domestic and for business purposes, was rapid, and the laying-out and paving or planking of streets proceeded at the rate of several miles annually. A million dollars was expended in enlarging the gas and water works between 1868 and 1878. A mile and a quarter of substantial wharves were added to the city front, and a number of private residences, costing from $20,000 to $30,000, were erected. Since 1877 these fine houses have multiplied, that of United States Senator Dolph and ex-United States Attorney-general Williams being of great elegance, though built of wood. The squares in Portland being small, several of the rich men took whole blocks to themselves, which, being laid out in lawns, greatly beautified the appearance of the town.

Among the prominent business men of Portland, who have not been hitherto named, I may mention Donald Macleay, who was born in Scotland in 1834, and when a young man went to Canada, where he engaged in business at Richmond, in the province of Quebec. From there he came to Portland in 1866, going into a wholesale grocery trade with William Corbitt of San Francisco, and carrying on an importing and exporting business. In 1869 his brother, Kenneth Macleay, was admitted to the firm, which does a large export trade, and has correspondents in all the great commercial cities. This firm made the first direct shipment of salmon to Liverpool, and is interested at present in salmon-canning on the Columbia. It has exported wheat since 1869–70, and more recently flour also, being the first firm to engage in the regular shipment of wheat and flour to London and Liverpool. In 1872–4 it purchased several ships, which were placed in the trade with China, Australia, and the Sandwich Islands. One of these, the *Mattie Macleay*, was named after a daughter of D. Macleay. Since his advent in Portland, Macleay has been identified with all enterprises tending to develop the country. He is one of the directors of the Cal. & Or. R. R., and has been vice-president; and has been vice-president of the N. W. Trading Co. of Alaska, in which he is a stockholder, a director in the Southern Or. Development Co.; local president of the Or. & Wash. Mortgage Savings Bank of Scotland, which brought much foreign capital to the country; and trustee of the Dundee Trust Investment Co. of Scotland, representing a large amount of capital in Oregon and Washington. For several terms he has been president of the board of trade, and at the same time has not been excused from the presidency of the Arlington Club, or the British Benevolent and St Andrews societies. Few men have discharged so many and onerous official duties.

Richard B. Knapp was born in Ohio in 1839, where he resided until 1858, when he went to Wisconsin, from which state he came to Oregon the following year. In 1860 his brother, J. B. Knapp, together with M. S. Burrell, founded the house of Knapp & Burrell, dealers in hardware and agricultural implements, to which he was admitted in 1862, and from which his brother retired in 1870. This house was the first to engage in the trade in agricultural machinery, for a long time the only one, and is still the most important in the north-west. It has done much to develop the farming interest of eastern Oregon and Washington, and recently of British Columbia.

Although Portland is 112 miles from the sea, and twelve above the junction of the Willamette with the Columbia, it was made a port of entry for the district of the Willamette. In 1848, when the territory was established, congress declared a collection district, with a port of entry at Astoria, the president to name two ports of delivery in the territory, one to be on Puget

Sound. Nisqually and Portland were made ports of delivery by proclamation January 10, 1850, and surveyors of customs appointed at $1,000 per year. About the time when there had begun to be some use for the office it was discontinued, 1861, and foreign goods were landed at Portland in charge of an officer from Astoria. But in July 1864 an act was approved again making Portland a port of delivery, *U. S. Acts*, 1863–4, 353, in answer to numerous petitions for a port of entry, a great deal of circumlocution being required to deliver goods to the importer, whether in foreign or American bottoms. Deady, in *S. F. Bulletin*, July 6, 1864. The legislature of 1864, by resolution, still insisted on having a port of entry at Portland; and again, by resolution, in 1866 declared the necessity of a bonded warehouse, suggesting that the government erect a building for the storage of goods in bond, and for the use of the federal courts and post-office. Such an appropriation was made in 1868, and the bonded warehouse erected in 1869–70, in which latter year Portland was the port of entry of Willamette collection district. *Cong. Globe*, 1869–70, ap. 664–5. Later steam-vessels for Portland entered at Astoria (Oregon district) and cleared from there to Portland (Willamette district). Outward bound they cleared at Portland, entering and clearing again at Astoria, some sailing vessels doing the same. The harbor is safe though small, the channel requiring the constant use of a dredger. Pilotage to Portland and insurance were high, drawbacks which it was believed would be overcome by the application to river improvements of a hoped-for congressional appropriation. A comparison of the exports and imports of the two districts are thus given in *Farrish's Commercial and Financial Review* for 1877, 20–4. Foreign exports cleared from Portland to the value of $3,990,387; from Astoria, $2,451,357. Foreign imports entered at Portland, $461,248; entered at Astoria, $27,544. The number of coastwise vessels entered at Portland in this year was 177, with an aggregate tonnage of 188,984. The clearances coastwise were 114, with a tonnage of 125,190. The number of foreign vessels entering was 37, with a total tonnage of 12,139. Most if not all, of these vessels loaded with wheat and salmon for English ports. About an equal number of American vessels for foreign ports loaded with wheat and fish. The wheat was taken on at Portland and the salmon at Astoria. At the close of 1878 the wholesale trade of three firms alone exceeded nine million dollars. Eight ocean steamers, sixty river steamers, three railroads, and a hundred foreign vessels were employed in the commerce of the state which centred at Portland, together with that of eastern Washington and Idaho. The year's exports from the city amounted to $13,983,650. The value of real estate sales in the city were nearly a million and a half, with a population of less than eighteen thousand.

There were in 1878 twenty schools, public and private, sixteen churches, thirty-five lodges or secret organizations, fifteen newspaper publications, three public and private hospitals, a public library, a gymnasium, a theatre, market, and four public school buildings. I have spoken fully of the Portland schools in another place. Of societies and orders for benevolent and other purposes, Portland in particular and all the chief towns in general have a large number. Of different Masonic lodges, there are the Multnomah Council of Kadosh, 30th Degree, No. 1; Ainsworth Chapter of Rose Croix, 18th degree, No. 1; Oregon Lodge of Perfection, 14th degree, No. 1; Oregon Commandery No. 1; Grand Chapter; Portland Royal Arch Chapter, No. 3; Grand Lodge; Willamette Lodge No. 2, Harmony Lodge No. 12; Portland Lodge No. 55; Masonic Board of Relief; Washington Lodge No. 46, East Portland. The Masons have a fine building on Third Street. The Grand Lodge of Odd Fellows meets annually at Portland in the Odd Fellows' Temple, a handsome edifice on First Street. Ellison Encampment No. 1, Samaritan Lodge No. 2, Hassalo Lodge No. 15, Minerva Lodge No. 19, Orient Lodge No. 17, all have their home in Portland. The Improved Order of Red Men have three tribes, Multnomah No. 3, Oneonta No. 4, Willamette No. 6. The Great Council meets where it is appointed. The Good Templars have three lodges, Multnomah No. 12, Nonpareil No. 86, Portland Lodge No. 102, and a Grand Lodge of Deputies.

The Knights of Pythias have two lodges, Excelsior No. 1 and Mystic No. 2. The First Hebrew Benevolent Association of Portland and Independent Order of B'nai B'rith represent the benevolence of the Jewish citizens; the Hibernian Benevolent Association and United Irishmen's Benevolent Association, the Irish population; St Andrews Society, the Scotch; the Scandinavian Society, the north of Europe people; the British Benevolent Society, the English residents; the German Benevolent Society, the immigrants from Germany—each for the relief of its own sick and destitute.

St Vincent de Paul Society relieves the needy of the catholic church. The Ladies' Relief Society sustains a home or temporary shelter for destitute women and children; the ladies of the protestant Episcopal church support the orphanage and Good Samaritan Hospital; and a General Relief Society gives assistance to whoever is found otherwise unprovided for. Of military organizations, there were the City Rifles, Washington Guard, and Emmet Guard. Of miscellaneous organizations, there were the Grand Army of the Republic, the Multnomah County Medical Society, the Ladies' Guild of the Episcopal Church, German-American Rifle Club, Portland Turn Verein, Father Matthew Society, Olympic Club, Oregon Bible Society, Workingmen's Club, Young Men's Catholic Association, Alpha Literary Society, and Althean Literary Society.

Between 1878 and 1882 two public schools were added, a mariners' home, a new presbyterian church, a pavilion for the exhibition of the industrial arts and state products, beside many semi-public buildings and private edifices. Nearly three million dollars were expended in 1882 in the erection of residence and business houses; and about four millions in 1883 upon city improvements of every kind. The wholesale trade of Portland for 1882 reached forty millions, increasing in 1883 to about fifty millions. Much of this business was the result of railroad construction and the sudden development of eastern Oregon and Washington, all the supplies for which were handled at Portland. The opening of the Northern Pacific in the autumn of 1883 began to tell upon the rather phenomenal prosperity of Portland from 1873 to 1883, much of the wholesale trade of the upper country being transferred to the east. The improvements made by the Oregon Railway and Navigation Company have, however, been of much permanent benefit to Portland, one of the most important being the dry-dock, over 400 feet long, over 100 feet wide, and 50 feet deep, for the construction and repair of sea-going vessels. It was found after completion that the bottom rested upon quicksand, which necessitated expensive alterations and repairs. The filling up of low ground and covering it with substantial machine-shops, warehouses, car manufactories, and depot buildings added not only to the appearance but the healthfulness of the environs of the city.

The suburbs of Portland are pleasant, the drives north and south of the city affording charming glimpses of the silvery Willamette with its woody islands and marginal groups of graceful oaks. Back of the city, lying on a hillside, with a magnificent view of the town, the river, and five snowy peaks, is the great park of the city, long remaining for the most part in a state of nature, and all the more interesting for that. A few miles south on the river road was placed the cemetery, a beautiful situation overlooking the river, with a handsome chapel and receiving-vault. The ground was purchased and laid off about 1880. Previous to this, the burial-ground of Portland had been on the east side of the river, and inconvenient of access.

East Portland, built upon the land claim of James Stevens, who settled there in 1844, had in 1884 a population of about 1,800. It was incorporated in 1870. East Portland was connected with Portland by a steam-ferry in 1868. A drawbridge completed the union of the two towns, which were made practically one. Several additions were made to East Portland. About the time of its incorporation, Ben Holladay bought a claim belonging to Wheeler on the north end, and laid it out in lots. McMillan also laid off his claim north of Holladay. Sullivan and Tibbets laid out a town, called Brooklyn, on the south. Albina is a manufacturing town north of McMillan's addition, and

was founded about 1869 by Edwin Russell, proprietor of the iron-works at that place, who failed, and left it just in time for other men to make fortunes out of it.

Sellwood, named after the episcopalian ministers of that name, was laid off in 1882, during the land speculation consequent upon railroad building. St John, six miles below East Portland, is an old settlement, with a few manufactories. Troutdale, six miles east of Portland, Mount Tabor, Powell Valley, Arthur, Leader, Pleasant Home, Rooster Rock, and Willamette Slough are the lesser settlements of Multnomah county.

Polk county, named after James K. Polk, was organized as a district December 22, 1845, and comprised the whole of the territory lying south of Yamhill district and west of a supposed line drawn from the mouth of Yamhill River to the 42d parallel. Its southern boundary was established in 1847, and its western in 1853, when the counties of Benton and Tillamook were created. Its present area is about 650 square miles, of which over 167,000 acres are improved. The valuation put upon its farms and improvements is over four and a half millions, its live-stock in 1884 was valued at $600,000, and its farm products at $1,200,000. The real and personal property of the county was assessed at a little short of two millions. Population, 7,000. Dallas, on the La Creole River, was named after the vice-president. It was made the county seat in 1850-1, and incorporated in 1874. An act was passed for the relocation of the county seat in 1876, but Dallas was again chosen by the popular vote of the county. It is a prettily located town of 700 inhabitants, with a good water-power, several manufactories, and a private academy. Independence, situated on the Willamette River, was incorporated in 1874, has a population of 700, and is a thriving place. Monmouth, the seat of the christian college, is a flourishing town of 300 inhabitants in a populous precinct. It was founded by S. S. Whitman, T. H. Lucas, A. W. Lucas, J. B. Smith, and Elijah Davidson, for a university town. It was incorporated in 1859. Buena Vista, on the Willamette, had a population of two or three hundred. In it was the chief pottery in Oregon. It was incorporated in 1876. Bethel, Luckiamute, Eola, founded in 1851 by William Durand, Grand Rond, Elk Horn, Brooks, Lincoln, Lewisville, Ballston, Crowley, McCoy, Parker, Perrydale, Zena, and Dixie, are the lesser towns and settlements of Polk county. The culture of hops in this county assumed considerable importance.

Tillamook county, the Indian appellation given to the bay and river by Lewis and Clarke, was created out of Clatsop, Yamhill, and Polk counties, December 15, 1853. It contains nearly 1,600 square miles. Lumbering and dairying are the chief industries, and little farming is carried on. The value of improvements of this kind is between four and five hundred thousand dollars. The valuation of real and personal property in the county amounts to less than $100,000. The county seat is Tillamook, at the head of the bay. The whole white population of the county is less than a thousand, including the towns of Nestockton, Kilchis, Garabaldi, and Nehalem. The Siletz Indian reservation is in the southern end of the county.

Umatilla county, the aboriginal name, was organized September 27, 1862, out of that portion of Wasco county lying between Willow Creek on the west and the summit of the Blue Mountains on the east, and between the Columbia on the north and the ridge dividing the John Day country from the great basin south of it. Its boundaries have since been made more regular, and its present area is 6,500 square miles. There are over 144,000 acres of improved land in the county, valued, with the buildings and fences, at over two and a half million dollars, the farm products a little less than a million, and the live-stock at $1,800,000. The assessed valuation of real and personal property in the county is $2,094,000. Population in 1884, 10,000. Pendleton, the county seat, named after George H. Pendleton, was founded in 1868 by commissioners appointed for the purpose, and incorporated October 23, 1880. It is situated on the Umatilla River, in the midst of a beautiful country, and on the edge of the reservation of the Umatillas, with whom, as well as

with the country about, it enjoys a good trade. The population is about 1,000. Umatilla City, settled in 1862, was first called Cain's landing, then Columbia, and finally incorporated as Umatilla in 1864. It was the place of transfer for a large amount of merchandise and travel destined to the Boisé and Owyhee mines, as well as the most eastern mining districts of Oregon, and carried on an active business for a number of years. It became the county seat in 1865, by special election. The establishment of Pendleton in a more central location, and the withdrawal of trade consequent on the failure of the mines, deprived Umatilla of its population, which was reduced to 150, and caused the county seat to be removed to Pendleton. Weston, on Pine Creek, a branch of the Walla Walla River, was named after Weston, Missouri, and incorporated in 1878. It is purely an agricultural town, with three or four hundred inhabitants, beautifully situated, and prosperous. The minor towns and settlements are Meadowville, Milton, Heppner, Pilot Rock, Centreville, Midway, Lena, Butter Creek, Agency, Cayuse, Cold Spring, Echo, Hardmann, Hawthorne, Helix, Moorhouse, Pettysville, Purdy, and Snipe.

Union county, so named by unionists in politics, was created October 14, 1864, to meet the requirements of a rapidly accumulating mining population, La Grande, upon the petition of 500 citizens, being named in the act as the county seat until an election could be had. It occupies the extreme northeast corner of the state, touching Washington and Idaho. Its area embraces 5,400 square miles, of which about 95,000 acres are improved, the farms and buildings being valued at one and a half millions; the live-stock of the county at $1,029,000, and the farm products at $432,000. The valuation of real and personal property for the tenth census was given at considerably over a million and a quarter. The population was about 7,000. The chief industries are stock-raising, sheep-farming, and dairying. Union City was founded in the autumn of 1862, by the immigration of that year, at the east end of Grand Rond Valley, in a rich agricultural region. It was chosen for the county seat in 1873, by a vote of the people, and incorporated in 1878. Its population is eight hundred, and rapidly increasing. D. S. Baker and A. H. Reynolds of Walla Walla erected a flouring mill at Union in 1864, the first in Grand Rond Valley. La Grande was founded in October of 1861 by Daniel Chaplin, the first settler in the valley. It took its name from reminiscences of the French voyageurs, la grande vallée, a term often applied to the Grand Rond Valley. The town was made the temporary seat of Union county by act of the legislature in 1864, and incorporated in 1865. A land-office was established here in 1867, for the sale of state lands, Chaplin being appointed receiver. In 1872 this district was made identical with the U. S. land district of La Grande. La Grande is also the seat of the Blue Mountain University. The population is 600. Sparta, Oro Dell, Island City, Cove, and Summerville are the lesser towns of Grand Rond Valley; and Lostine, Joseph, and Alder of Wallowa Valley. Elk Flat, Keating, New Bridge, Pine Valley, Prairie creek, and Slater are the other settlements.

Among the residents of Union county who have furnished me a dictation is James Quincy Shirley, who was born in Hillborough, N. H., in 1829, and educated in New London. He came to California in 1849, by sea, and mined at Beal's Bar on American River. He was in the neighborhood of Downieville 2 years, trading in cattle, which he bought cheap at the old missions, and sold high to the miners. He remained in the business in different parts of the state until 1862, when he started with a pack-train of goods for Idaho, but had everything taken from him by Indians, near Warner Lake, from which point he escaped on foot to Powder River with his party, and went to the Florence mines. From Idaho he went to Portland, and by the aid of a friend secured employment under the government, but left the place and cut and sold hay in Nevada the following year, getting $25 and $30 per ton at Aurora. In 1864 he again purchased cattle, at $2.50 per head, driving them to Montana, where they sold for $14. Horses for which he paid $14 sold for from $30 to $80. This being a good profit, he repeated the trade the following year, driving his

stock through Nevada, and purchasing old Fort Hall, which he resold to the government 3 years afterward. In 1869 he settled in Raft River Valley, Idaho, where he had a horse and cattle rancho. In the autumn he shipped the first cattle ever carried on the Central Pacific railroad from Humboldt House to Niles, Cal. He continued in this trade for several years longer, and in 1883 sold out his stock and land at Raft River for $100,000, bought 10,000 sheep and placed them on a range in Utah. After looking over new and old Mexico for land, he finally settled in Union co., Oregon, where he raises grain, and buys and sells cattle, an example of what can be done if the man knows how to do it. His real property lies in 4 different states and territories, and he has $100,000 in live-stock.

Wasco county, named after an Indian tribe inhabiting about the dalles of the Columbia, was organized January 11, 1854, comprising under the act creating it the whole of eastern Oregon, these boundaries being reduced from time to time by its division into other counties. Its area is 6,250 square miles, of which about 80,000 acres are improved, valued at $1,700,000. The products of farms were valued at a little less than half a million for 1879, while the live-stock of the county was assessed at not quite two millions. The gross valuation of all property in 1881–2 was set down at about four and a half millions, and of taxable property $3,220,000. The population of the county at the tenth census was not much over 11,000. Wasco county possesses a great diversity of soil, climate, and topography. There is a large extent of excellent wheat land, and an equal or greater amount of superior grazing land. More sheep and horses were raised in Wasco than in any other county, while only Baker exceeded it in the number of horned cattle. The Dalles is the county seat of Wasco. Its name was first given it by the Hudson's Bay Company, whose French servants used a nearly obsolete word of their language—*dalle*, trough or gutter—to describe the channel of the Columbia at this place. By common usage it became the permanent appellative for the town which grew up there, which for a time attempted to add 'city' to Dalles, but relinquished it, since which time 'The Dalles' only is used. To the dalles, which rendered a portage necessary, the town owes its location. It was founded by the methodist missionaries Lee and Perkins, in March 1838, abandoned in 1847, taken possession of by the U. S. military authorities, partially abandoned in 1853, and settled upon as a donation claim in that year by Winsor D. Bigelow. During the mining rush of 1858–65 it became a place of importance, which position it has continued to hold, although for many years under a cloud as to titles, as related in another place. It was incorporated January 26, 1857. It was once contemplated establishing a branch mint at The Dalles for the coinage of the products of the mines of Oregon, Washington, Idaho, and Montana. Such a bill was passed by congress, and approved July 4, 1864. An edifice of stone was partially erected for this purpose, but before its completion the opening of the Central Pacific railroad rendered a mint in Oregon superfluous, and the building was devoted to other uses. Down to 1882 The Dalles was the transfer point for passengers and freight moving up and down the river, but on the completion of the Oregon Railway and Navigation Company's line from various parts of the upper country to Portland, a large portion of the traffic which formerly centred here was removed. Yet, geographically, The Dalles remains a natural centre of trade and transportation, which, on the completion of the locks now being constructed at the Cascades, must confirm it as the commercial city of eastern Oregon. The Dalles has several times suffered from extensive conflagrations. The last great fire, in 1879, destroyed a million dollars' worth of property. A land-office for the district of The Dalles was established here in 1875. The lesser towns and settlements in Wasco county are Cascade Locks, Hood River, Celilo, Spanish Hollow, Bake Oven, Lang's Landing, Tyghe Valley, Des Chutes, Mount Hood, Warm Spring Agency, Antelope, and Scott. There are a number of other post-offices in Wasco county as it was previous to the division into Crook and Wasco in 1882, which I have not put down here because it is doubtful to which county they belong.

They are Alkali, Blalock, Cluk, Cross Hollows, Cross Keys, Crown Rock, Dufur, Fleetville, Fossil, Grade, Hay Creek, Kingsley, Lone Rock, Lone Valley, Mitchell, Nansene, Olex, Rockville, Villard, and Waldron.

Samuel E. Brooks, from whom I have a dictation, and who is a native of Ohio, came to Oregon overland, via Platte and Snake rivers, in 1850, in company with C. H. Haines, Samuel Ritchie, Washington Ritchie, S. B. Roberts, J. H. Williams, his father Linn Brooks, his mother E. Brooks, his brothers B. S. and H. J. Brooks. Samuel settled at The Dalles, and married Annie Pentland, daughter of Robert Pentland, in 1872. He is among the prominent men of Wasco county.

Washington county was established under the name of Twality district, the first of the four original political divisions of Oregon, on the 5th of July, 1843, and comprised at that time all of the territory west of Willamette and north of Yamhill rivers, extending to the Pacific ocean on the west, and as far north as the northern boundary line of the United States, then not determined. Its limits have several times been altered by the creation of other counties, and its name was changed from Twality to Washington September 4, 1849. Its area is 682 square miles, 62,000 acres of which is improved land, valued with the improvements at about three and a half million dollars. The live-stock of this county is all upon farms, and is assessed at a little less than four hundred thousand. The farm products of 1879 were valued at over $700,000. The state returns for 1881-2 make the gross valuation of all property $3,717,000, and the total of taxable property over two and a half millions. The population is between seven and eight thousand. A considerable portion of the northern part of Washington county is heavily timbered and mountainous, but its plains are famed for their productiveness, and the face of the country is beautifully diversified. Hillsboro, founded by David Hill, one of the executive committee of Oregon in 1843, is the county seat. It was incorporated in 1876. The population is about five hundred. Forest Grove, the seat of Pacific University, has 600 inhabitants. It was founded by Harvey Clark in 1849, and incorporated in 1872. The U. S. Indian school, founded in 1879, is located at Forest Grove. The location of the university town at the edge of the foot-hills of the Coast Range, in the midst of natural groves of oak-trees, gives an academic air to the place, and certain propriety to the name, which will be lost sight of in the future should not the forest beauties of the place be preserved. The lesser towns are Cornelius, Gaston, Dilley, Gale's Creek, Cedar Mill, Bethany, Beaverton, Glencoe, Greenville, Ingles, Laurel, Middleton, Mountain Dale, Scholl's Ferry, Tualatin, and West Union.

Harley McDonald, born in Foster, R. I., in 1825; came to Cal. in 1849 by sea, and to Oregon the following year, locating at Portland. His occupation was that of architect and draughtsman. He built the steamer *Hoosier*, one of the first on the upper Willamette, in 1851; the first theatre in San Francisco; the first wharf and first church in Portland; the first railroad station at Salem; and is engaged by the government to erect school-houses on the Indian reservations. He married, in 1848, Betsy M. Sansom, and has 8 children, one son being a banker. He resides at Forest Grove.

Yamhill county was first organized as one of the first four districts, July 5, 1843, and embraced all of the Oregon territory south of Yamhill River, and west of a supposed north and south line extending from the mouth of the Yamhill to the 42d parallel. Its boundaries were subsequently altered and abridged until it contained a little more than 750 square miles. The amount of improved land is 119,000 acres, valued, with the improvements, at $5,518,000. The value of live-stock is over half a million, and the yearly product of the farms is about a million and a half. The valuation of real and personal estate is in excess of two and a half millions, and the population is 8,000. This county is famed for its wheat-producing capacity, as well as for its many beauful features. Lafayette, once county seat, is situated on the Yamhill River, which is navigable to this point. It was founded by Joel Perkins about 1851, and named by him after Lafayette, Indiana. Perkins was murdered, while returning from California in July 1856, by John Malone, who hanged himself

in jail after confessing the act. *Or. Statesman*, Aug. 12, 1856; *Deady's Hist. Or.*, MS., 78. It was chosen for the seat of the county in August 1858. Its court-house, erected in 1859 at a cost of $14,000, was the pride of the county at that time, but its age is now against it, and it does not do credit to so rich a county. The population of Lafayette is 600. The town was incorporated in 1878. McMinnville, founded by William T. Newby in 1854, was named after his native town in Tennessee. It is the seat of the baptist college, is on the line of the Oregon Central railroad, and has a population of 800. Its incorporation was in 1872. Dayton, founded by Joel Palmer on land purchased of Andrew Smith, and named after Dayton, Ohio, is a pretty town, on the Yamhill River, of 300 inhabitants, and the initial point of the Dayton, Sheridan, and Grand Rond narrow-gauge railroad. It is a shipping point for the wheat grown in the county, which is here transferred from the railroads to steamboats, and carried down the Yamhill and Willamette Rivers to Portland or Astoria. Dayton has a grain elevator and mills. It was incorporated in 1880. Sheridan, at the present western terminus of the narrow-gauge railroad, is a picturesque town of less than 200 inhabitants, named after General P. Sheridan, who as a lieutenant was stationed at Fort Yamhill, near here. It was settled in 1847 by Absolem B. Faulconer, and incorporated in 1880. Amity, founded in 1850, is another pretty village, in a fine agricultural region, incorporated in 1880. The minor settlements are Bellevue, Carlton, Ekins, Newburg, North Yamhill, West Chehalem, and Willamina.

There was a proposition before the legislature of 1882 to create one or more counties out of Umatilla. By a comparison of the wealth of the several counties of Oregon, it is found that the amount per capita is largest in Multnomah, which is a commercial county. The agricultural counties of the Willamette Valley rank, Linn first, Yamhill second, Lane third, and Marion fourth, Clackamas ranking least. The coast and Columbia-River counties fall below the interior ones. In the southern part of western Oregon there is also much less wealth than in the Willamette Valley, Douglas county, however, leading Jackson. In eastern Oregon, Umatilla leads the other counties in per capita wealth, Grant, Union, Wasco, Lake, and Baker following in the order named. This may be different since the cutting-off of Crook county, which took much of the best portion of Wasco. The comparative amount of wheat raised in 1880 was greatest in Marion county, which raised 1,060,000 bushels, Yamhill, Umatilla, Linn, and Polk following with nearly 1,000,000 each. Clackamas county raised less than 500 bushels. But Clackamas produced $60,000 worth of fruit, being the second fruit county, Linn leading the state. Lake raised almost none, Curry, Clatsop, and Tillamook very little, and all the other counties from $4,000 to $37,000 worth, all but three, Baker, Grant, and Columbia, producing over $10,000 worth, and nine of them from $30,000 to $57,000 worth. The gross value of the fruit crop was over $581,000. From this general and comparative review of the counties and towns of the state, as taken from the assessors' statistics, to which a large amount in values may safely be added, the condition of the population at large may be gathered, especially as refers to agriculture. Manufactures are considered under a separate head.

MANUFACTURES.

The earliest manufactured product of Oregon was lumber. From the building of the first mills for commercial purposes, in 1844, to 1885, this has continued to be a grand staple of the country. At the last date mentioned there were over 228 saw-mills in the state, costing over a million and a half of dollars, and producing annually lumber valued at over two millions. It i difficult to give even apppoximately the percentage of acres of timbered land that would produce lumber. Both sides of the Coast Range, the west side of the Cascade Range, the highlands of the Columbia, and the north end of the Willamette, as well as the bottom-lands along that river for sixty miles, are heavily timbered; while the east side of the Cascades, the west side of the Blue Mountains, and the flanks of the cross ranges between the Willamette,

Umpqua, and Rogue River valleys are scarcely less densely covered with forest. See *Review Board of Trade*, 1877, 33; *Overland Monthly*, xiii. 247–9; *Rept Com. Agric.*, 1875, 330–1; *Mosely's Or.*, 30; *Or. Legis. Docs*, 1876, doc. ii., 15.

The merchantable woods of Oregon are yellow fir, cedar, pine, spruce, cottonwood, hemlock, oak, maple, ash, alder, arbutus, and myrtle. Fir is the staple used in ship-building, house-building, fencing, furniture, and fuel. Cedar is used for finishing, and withstands moisture. Hemlock is used in tanning. Oak is utilized for farming implements and wagons; cottonwood for staves; ash, maple, and myrtle for furniture. Veneering from the knots of Oregon maple received a diploma from the centennial exposition of 1876, for its beauty, fineness of grain, toughness of fibre, and susceptibility to polish. *Nash's Or.*, 128. Combined with myrtle, which is also beautifully marked and susceptible of a high polish, but of a dark color, the result is one of great elegance in cabinet-work. A few vessels built at Coos Bay have been finished inside with these woods, presenting a remarkably pleasing effect. Half of all the wood used in the manufacture of furniture in San Francisco is exported from Oregon. As early as 1862 a set of furniture made of Oregon maple was sold in San Francisco for $800. *Or. Statesman*, May 12, 1862. The furniture trade of the state reached $750,000 annually, two thirds of which was for home-made articles. The Oregon Manufacturing Company of Portland in 1875 began to make first-class fashionable furniture from native woods, a building being erected by J. A. Strobridge on the corner of First and Yamhill streets, at a cost of $75,000, for the company's use. *Portland West Shore*, Aug. 1875; *Hillsboro Wash. Independent*, Dec. 2, 1875. The finest cabinet articles were made in Portland. Other smaller factories were scattered throughout the state, but Portland furnished a large proportion of the furniture sold by country merchants. According to a prominent Pacific coast statistician, John S. Hittell, *Resources*, 584–5, there were 150,000,000 feet of lumber sawed in Oregon in 1880–1. The greater part of this was cut at the mills on the Columbia, and the southern coast, several of which turn out 75,000 feet per day. The mill at St Helen cut from 40,000 to 75,000 in 24 hours. At Coos Bay and Port Orford there were mills that produce 24,000,000 to 37,000,000 feet annually. *Gilfry's Or. Resources*, MS., 45; *S. S. Mann*, in *Historical Correspondence*, MS. The Coquille mills saw 12,000,000 feet for San Francisco market annually. In eastern Oregon the Blue Mountains furnished the principal part of the lumber made. The Thielsen flume, for carrying lumber from the mountains, is the largest, carrying 50,000 feet of lumber and 300 cords of fire-wood daily from the mills to the town of Milton, near the Oregon line. It was the property of the Oregon Improvement Company, and, including its branch, was thirty miles long. The Little White Salmon flume, built by the Oregon Railway and Navigation Company to bring lumber to The Dalles, was ten miles in length. *Hittell's Resources*, 584–5.

At St Johns, near the mouth of the Willamette, was the location of the Oregon Barrel Company, where barrels, pails, fruit-packing boxes, and cases for holding packages of canned salmon were manufactured; O. B. Severance founder. The products of this factory were worth about $15,000 annually. There was a similar factory at Oregon City in 1863, and there was, in 1884, a large box factory at Portland, owned by John Harlowe & Co. Wood was used for fuel throughout Oregon, except in a few public and private houses, where coal was preferred. It was abundant and cheap everywhere west of the Cascade Mountains, the highest prices obtaining in Portland, where fir wood brought six dollars per cord, and oak eight. Most of the river steamers used wood for making steam as a matter of economy.

Ship-building, which depends upon the quality of timber produced by the country, is carried on to a considerable extent, the principal ship-yard being at Coos Bay. The oldest yard on the bay is at North Bend, where the brig *Arago* was built by A. M. and R. W. Simpson in 1856, since which time twenty-two other vessels have been launched from this yard, with tonnage

aggregating 12,500. They were launched in the following order: brigs *Arago* and *Blanco*, 1856–8; schooners *Mendocino* and *Florence E. Walton*, 1859–60; brig *Advance*, 1861; schooners *Enterprise*, *Isabella*, *Hannah Louise*, and *Juventa*, 1863–5; barkentines *Occident* and *Melancthon*, 1866–7; schooner *Bunkalation*, 1868; barkentine *Webfoot*, 1869; schooners *Botama* and *Oregonian*, 1871–2; barkentine *Portland*, 1873; ship *Western Shore*, 1874; barkentine *Tam O'Shanter*, 1875; barkentines *North Bend* and *Klikitat*, and schooners *Trustee*; *James A. Garfield*, and one unnamed, 1876–81. The ship *Western Shore* was the largest and strongest ship ever built on the Pacific coast, and the second in number, the *Wildwood*, built at Port Madison in 1871–2, being the first. The *Western Shore* was designed by A. M. Simpson, and built by John Kruse. The joiner-work was done by Frank Gibson, the polishing of the wood-work by Frederick Mark, and the painting by Peter Gibson. She was 2,000 tons burden, and her spars the finest ever seen in Liverpool. R. W. Simpson designed the rigging and canvas. The cabin was finished with myrtle wood, relieved by door-posts of Sandwich Island tamana in a handsome manner; but the *Tam O'Shanter* was finished still more handsomely by the same German workman, F. Mark. The first voyage of the *Western Shore* was to San Francisco, thence to Liverpool, loaded with 1,940 tons of wheat, commanded by Wesley McAllep. She beat the favorite San Francisco ship *Three Brothers* 8 days, and the *British King*, a fast sailer, 14 days—a triumph for her builders. She cost $86,000, less than such a ship could be built for at Bath, Maine. Thos B. Merry, in *Portland West Shore*, May 1876 and Feb. 1882; *S. F. Bulletin*, Nov. 20, 1876.

From the ship-yard of H. H. Luse, at Empire City, Coos Bay, eight vessels were launched between 1861 and 1881, with an aggregate burden of 930 tons. The class of vessels built at Empire City was smaller than the North Bend vessels, several being small steamers for use on the bay. They were the schooners *Rebecca*, *Kate Piper*, and *Cashman*, brig *Robert Emmett*, and steam-tug *Alpha*, and the steamers *Satellite*, *Coos*, and *Bertha*. The *Alpha* was the first vessel built at this place, and the only one before 1869. *Portland West Shore*, Feb. 1882, 26. At Marshfield, Coos Bay, E. B. Dean & Co. have a ship-yard. Here were built twenty vessels between 1866 and 1881, of an aggregate capacity of 9,070 tons, and at other points on the bay and river. The first vessel built at Marshfield was the steam-tug *Escort*. Then followed the schooners *Staghound*, *Louisa*, *Morrison*, *Ivanhoe*, *Annie Stauffer*, *Panamá*, *Sunshine*, *Frithioff*, *Laura May*, *Jennie Stella*, *C. H. Merchant*, *Santa Rosa*, *George C. Perkins*, *J. G. North*, *Dakota*, and one unknown, the barkentine *Amelia*, the steamers *Messenger* and *Wasp*, and the tug *Escort No. 2*. The steamer *Juno* was built in Coos River, and also a schooner, name unknown, at Aaronville. Merry makes mention of the North Bend tug *Fearless*, which is not down in the list.

The reputation of Coos Bay vessels for durability and safety is good, few of them having been lost. The *Florence Walton* was wrecked on the coast between Coos Bay and Rogue River. The *Bunkalation*, while discharging a cargo of lime at cape Blanco for the light-house, was set on fire by the sea washing down the hatchway, and entirely destroyed. The *Sunshine* was wrecked off Cape Disappointment by capsizing in a sudden squall, from her masts being too tall and the hoops too small to allow the sails to be lowered quickly. *Portland West Shore*, June 1876, 6. Several of them have been in the Columbia River trade ever since they were completed.

Ship-building in a small way has been carried on in the Umpqua River ever since 1856. Two schooners, the *Palestine* and *Umpqua*, were built about a mile and a half below Scottsburg, by Clark and Baker, in 1855–6, for the San Francisco trade. *Or. Statesman*, May 6, 1856. In 1857 the steamer *Satellite* was built to run on the river. In 1860 John Kruse, Baner, and Maury built the schooner *Mary Cleveland*, at Lower Scottsburg, for the California trade. *Id.*, May 13, 1861. Kruse also built the schooners *Pacific* and *W. F. Brown* in 1864–5; *Hopkins' Ship-building Pacific Coast; Davidson's Coast Pilot*, 139. A few vessels have been built in Tillamook Bay, of light

draught and tonnage. Ever since the *Star of Oregon* was launched from Oak Island in the Willamette in 1841, ship-building has been carried on in a desultory fashion along on the Columbia and Willamette, no record of which has been kept. An examination of the *U. S. Commerce and Navigation Statistics* from 1850 to 1856 shows that no figures are given for more than half the years, consequently the information gained is comparatively worthless. In the years given, 1850, 1857, 1865, 1868-1877, there were 109 vessels of all classes, from a barge to a brig, built in Oregon, 31 of which were sailing vessels. According to the same authority, there were 60 steam-vessels in Oregon waters in 1874; but these returns are evidently imperfect.

The cost of ship-building as compared with Bath, Maine, is in favor of Oregon ship-yards, as shippers have been at some pains in the last ten or fifteen years to demonstrate, as well as to show that American wooden ships must soon displace English iron vessels, and American shipping, which has been permitted to decline, be restored. The report of the Pacific Social Science Association on the *Restoration of American Shipping in the Foreign Trade*, by a committee consisting of C. T. Hopkins, A. S. Hallidie, I. E. Thayer, A. Crawford, and C. A. Washburn, is an instructive pamphlet of some 30 pages, showing the causes of decline and the means of restoring the American shipping interest. In 1875-6, $1,513,508 was paid away in Oregon to foreign ship-owners for grain charters to Europe, which money should have been saved to the state and reinvested in ship-building. *Board of Trade Rept*, 1876, 10. I have quoted the opinions of competent writers in the history of Puget Sound ship-building, and will only refer here to the following pamphlets. *Furrish's Reviews of the Commercial, Financial, and Industrial Interests of Oregon*, 1877, 31-2; *Gilfry's Resources Or.*, MS., 45-50; *Review of Portland Board of Trade*, 1877; and *Hopkins' Ship-building*, 1867. In view of the requirements of commerce in the future, the Oregon Railway and Navigation Company have provided a magnificent dry-dock at Albina, opposite Portland, which was completed about 1883.

Flour takes the second place, in point of time if not of value, in the list of Oregon manufactures. Since the time when wheat was currency in Oregon, it has played an important part in the finances of the country. Taking a comparatively recent view of its importance, the fact that the wheat crop increased from 2,340,000 bushels in 1870 to 7,486,000 in 1880, establishes its relative value to any and all other products. A very large proportion of the wheat raised in Oregon was exported in bulk, but there was also a large export of manufactured flour. The first to export a full cargo of wheat direct to Europe was Joseph Watt, who sent one to Liverpool by the *Sallie Brown* in 1868. It cost Watt $4,000 to make the experiment. The English millers, unacquainted with the plump Willamette grain, condemned it as swollen, but bought it at a reduced price, and ground it up with English wheat to give whiteness to the flour, since which time they have understood its value. *Grover's Pub. Life in Or.*, MS., 69; *Watt*, in *Camp-fire Orations*, MS., 1-2. Another cargo went the same year in the *Helen Angier*. The year previous to Watt's shipment a cargo of wheat and flour was sent direct to Australia by the bark *Whistler*. As early as 1861 H. E. Hayes and C. B. Hawley of Yamhill had 10,000 bushels ground up at the Linn City Mills (swept away in the flood of the following winter) for shipment to Liverpool, taking it to S. F. to put it on board a clipper ship. *Or. Argus*, Jan. 12, 1861. In 1868-9, 30,305 bushels of wheat and 200 barrels of flour, worth $36,447, were shipped direct to Europe. The trade increased rapidly, and in 1874 there were 74,715 bushels of wheat and 28,811 barrels of flour sent to foreign ports, worth $1,026,302. *S. F. Bulletin*, Jan. 20, 1875.

The number of flouring and grist mills in the state was over a hundred, in which more than a million and a quarter of capital was invested, producing annually three and a half millions' worth of flour. Some of the most famous mills were the following: Standard Mills at Milwaukee, completed in 1860 by Eddy, Kellogg, and Bradbury, which could make 250 barrels daily. The Oregon City Mills, owned by J. D. Miller, capable of turning out 300 barrels

daily. This mill was originally erected in 1866 to make paper, but converted in 1868 into a flouring-mill. The Imperial Mill at Oregon City, first owned by Savier and Burnside, was capable of grinding 500 barrels daily. The Salem Flouring Mills, owned by a company organized in 1870, with a capital of $50,000 since increased to $200,000, and which had A. Bush, the former editor of the *Or. Statesman*, and later a banker in Salem, for president, manufactured 15,000 to 16,000 barrels of flour monthly. Their flour took the lead in the markets of Europe. The Jefferson City Mills, owned by Corbitt and Macleay of Portland, ground 10,000 barrels monthly. J. H. Foster's mill at Albany had a capacity of 300 barrels daily. *Hittell's Resources*, 555–8.

In the great flood of 1861–2 the Island mill at Oregon City, built by the methodist company, and John McLoughlin's mill were both carried away. McLoughlin's mill was in charge of Daniel Harvey, who married Mrs Rae, the doctor's daughter. Harvey was born in the parish of Shefford, county Essex, England, in 1804, He died at Portland, Dec. 5, 1868. *Portland Advocate*, Dec. 19, 1868.

Salmon, by the process of canning, becomes a kind of manufactured goods, and was one of the three great staples of the state. The salmon of the Columbia were introduced to the markets of Honolulu, Valparaiso, and London, in a measure, by the Hudson's Bay Company, before any citizen of the United States had entered into the business of salmon-fishing in Oregon. *Robert's Recollections*, MS., 20; *Wilkes' Nar. U. S. Ex. Exped.*, iv. 369–70; *H. Com. Rept*, 31, i. 57, 27th cong. 3d sess.; *Van Tramp's Adventures*, 145–6. The first attempts to compete with this company were made by Wyeth and the methodist missionaries, which was successful only in securing enough for home consumption, the Indians being the fishermen, and the company able to pay more for the fish than the missionaries. The first merchants at Oregon City traded a few barrels to the Honolulu merchants for unrefined sugar and molasses. Henry Roder went to Oregon City in 1852, with the design of establishing a fishery at the falls of the Willamette, but changed his mind and went to Bellingham Bay to erect a saw-mill. About 1857 John West began putting up salt salmon in barrels, at Westport, on the Lower Columbia. In 1859 Strong, Baldwin & Co. established a similar business at the mouth of Rogue River. *Or. Statesman*, Oct. 25, 1859. But nothing like a modern fishery was established on the Columbia until 1866, when William Hume, George Hume, and A. S. Hapgood erected the first fish-preserving factory at Eagle Cliff, on the north bank of the river, in Wahkiakum county, Washington. In 1876 there were seventeen similar establishments on the river, and in 1880 there were thirty-five. The average cost of these fisheries, with their apparatus for canning salmon, and of the boats and nets used in catching fish, was in the neighborhood of forty thousand dollars each, making a sum total invested in the Columbia River fisheries of nearly a million and a half. The number of persons employed in the fishing season, which lasted about four months, was six thousand, the greater number of whom were foreign. The boatmen were usually Scandinavians, and the men employed in the canneries principally Chinese. A few women were hired to put on labels, at which they were very expert. The mechanics were usually Americans. The following shows the increase of the salmon catch for ten years, by the number of cases put up: 1869, 20,769; 1870, 29,736; 1871, 34,805; 1872, 43,696; 1873, 102,733; 1874, 291,021; 1875, 231,500; 1876, 438,730; 1877, 395,288; 1878, 449,917; 1879, 438,004. *New Tacoma N. P. Coast*, June 15, 1880. The production varied with different years, the salmon in some years appearing to avoid the Columbia and all the principal fishing-grounds. There was a falling-off in 1879, for the whole Pacific coast, amounting to nearly 100,000 cases from the catch of the previous year. After the fishing season was over some of the canneries put up beef and mutton, to utilize their facilities and round out the year's business.

The export of canned salmon did not commence until 1871, when 30,000 cases were exported, which realized $150,000. In 1875, 330,000 cases were sold abroad, which realized $1,650,000, and the following year 479,000 cases,

bringing over two and a half millions of dollars, which is about the maximum of the trade, a few thousand more packages being sold in 1878, and considerably less in 1879. Review of board of trade, 1879, in *Portland Standard*, Feb. 4, 1879. The production of 1881 was 550,000 cases of 48 pounds each, bringing five dollars a case.

The partial failure of several years alarmed capitalists and legislators; and in April 1875 the Oregon and Washington Fish Propagating Company, with a capital of $30,000, was incorporated. The officers of this company were John Adair, Jr, president, J. W. Cook vice-president, J. G. Megler secretary, Henry Failing treasurer, with J. Adair, J. G. Megler, John West, C. M. Lewis, and J. W. Cook directors. Livingston Stone of Charlestown, Massachusetts, was chosen to conduct the experiment. A location for a hatching establishment was selected at the junction of Clear creek with the Clackamas River, a few miles from Oregon City, where the necessary buildings were erected and a million eggs put to hatch, of which seventy-five per cent became fish and were placed in the river to follow their ordinary habits of migration and return. In this manner the salmon product was rendered secure. In March 1881, 2,150,000 fish were turned out of the hatching-house in a healthy condition. *Olympia Courier*, April 22, 1881; *Portland West Shore*, August, 1878; *Portland Oregonian*, May 26, 1877.

Besides the Columbia River fisheries, there were others on the Umpqua, Coquille, and Rogue rivers, where salmon are put up in barrels. The Coquille fishery put up 37,000 barrels in 1881. *S. F. Chronicle*, Aug. 13, 1881. Immense quantities of salmon-trout of excellent flavor have been found in the Umpqua, Klamath, Link, and other southern streams. In the Klamath, at the ford on the Linkville road, they have been seen in shoals so dense that horses refused to pass over them. In Lost River, in Lake county, the sucker fish abounded in the same shoals during April and May. Sturgeon, tomcod, flounder, and other edible fish were plentiful along the coast. Since 1862, oysters in considerable quantities have been shipped from Tillamook Bay; and other shell-fish, namely, crabs, shrimps, and mussels, were abundant, and marketable. *Or. Statesman*, Nov. 3, 1862; *Or. Legisl. Docs*, 1876, ii. 15; *Small's Or.* 62–5.

Laws have been enacted for the preservation of both salmon and oysters. These acts regulate the size of the meshes, which are 8½ inches long, to permit the young salmon to escape through them; and prohibit fishing from Saturday evening to Sunday evening of every week in the season, for the protection of all salmon; and forbid the use of the dredge where the water is less than twenty-four feet in depth at low tide on oyster-beds, or the waste of young oysters. *Or. Laws*, 1876, 7. With regard to the preservation and propagation of salmon, it has been recently discovered that the spawn thrown into the Coquille from the fisheries is not wasted, but hatches in that stream, and that therefore that river is a natural piscicultural ground. *Coquille City Herald*, in *S. F. Bulletin*, Nov. 15, 1883. The same does not appear to be true of the northern rivers. Another difference is in the time of entering the rivers, which is April in the Columbia, and August in the Umpqua and Coquille.

The manufacture of Oregon wool into goods was neglected until April 1856, when a joint-stock association was formed at Salem for the purpose of erecting a woollen-mill. Joseph Watt was the prime mover. William H. Rector was superintendent of construction, and went east to purchase machinery. George H. Williams was president of the company, Alfred Stanton vice-president, Joseph G. Wilson secretary, and J. D. Boon treasurer. Watt, Rector, Joseph Holman, L. F. Grover, Daniel Waldo, and E. M. Barnum were directors. *Brown's Salem Dir.*, 1871. Watt & Barber had a carding-machine in Polk county in 1856, and there appears to have been another in Linn county, which was destroyed by fire in 1862. The company purchased the right of way to bring the water of the Santiam River to Salem, building a canal and taking it across Chemeketa Creek, making it one of the best water-powers on the Pacific coast. Its completion in December was celebrated by the firing of cannon. The incorporation of the company as a manufacturing

and water company followed, and in the fall of 1857 two sets of woollen machinery were put in motion. The goods manufactured, blankets, flannels, and cassimeres, were exhibited at the first state fair of California, in 1858, being the first cloth made on the Pacific coast of the United States by modern machinery. In 1860 the capacity of the mill was doubled, the company prospered, and in 1863 built a large flouring mill to utilize its water-power. The canal which brought the Santiam into Salem was less than a mile in length and had a fall of 40 feet. The water was exhaustless, and there was laid the foundations of unlimited facilities for manufactures at Salem.

The building of the Willamette woollen-mill at Salem was a great incentive to wool-growing. The amount of wool produced in Oregon in 1860 was 220,000 pounds, not as much as the Salem mill required after it was enlarged, which was 400.000. But in 1870 the wool crop of the state was 1,500,000, and in 1880 over eight million of pounds were exported. *Board of Trade Review*, 1877, 15; *Pacific North-west*, 4. The Salem mill burned to the ground in May 1876, but in the mean time a number of others had been erected. In 1860 W. J. Linnville and others petitioned the senate for a charter for a woollen manufacturing company, which was refused, on the ground that the constitution of the state forbade creating corporations by special laws except for municipal purposes. *Or. Jour. Senate*, 1860, 68, 73. In 1864 a woollen-mill was erected at Ellendale, which was running in 1866, and 'turning out flannels by the thousand yards,' but which has since been suspended. *Or. Statesman*, May 7, 1866; *Deady's Scrap-Book*, 149. The Oregon City Woollen Mill was projected as early as 1862, although not built until 1864–5. The incorporation papers were filed Dec. 31, 1862, in the office of the secretary of state. The incorporators were A. L. Lovejoy, L. D. C. Latourette, Arthur Warner, W. W. Buck, William Whitlock, F. Barclay, Daniel Harvey, G. H. Atkinson, J. L. Barlow, John D. Dement, W. C. Dement, D. P. Thompson, William Barlow, W. C. Johnson, and A. H. Steele. Capital stock, $60,000. *Or. Argus*, Jan. 31, 1862. Five lots were purchased of Harvey for $12,000, and water-power guaranteed. The building was of brick and stone, 188 by 52 feet, and two stories high. Joel Palmer was elected president of the company. It was designed, as we are told, to concentrate capital at Oregon City. *Buck's Enterprises*, MS., 6–8. Buck relates how when they had built the mill the directors could go no further, having no money to buy the wool to start with, until he succeeded in borrowing it from the bank of British Columbia. A few men bought up all the stock, and some of the original holders realized nothing, among whom was Buck, whose place among the projectors of enterprises is conspicuous if not remunerative. The enterprise was successful from the start. The mill began by making flannels, but soon manufactured all kinds of woollen goods. It was destroyed by fire in 1868, and rebuilt in the following year. In point of capacity and means of every sort, the Oregon City mill was the first in the state. Its annual consumption of wool was not much short of a million pounds, and the value of the goods manufactured from forty to forty-five thousand dollars a month. A wholesale clothing manufactory in connection with the mill employs from fifty to sixty cutters and tailors in working up tweeds and cassimeres into goods for the market. This branch of the business was represented in S. F. by a firm which manufactures Oregon City cloths into goods to the value of $400,000 annually. The mill employed 150 operatives, to whom it paid $90,000 a year in wages. *Hittell's Resources*, 445–6. A fire in February 1881 destroyed a portion of the mill, which sustained a loss of $20,000. The wool-growers of Wasco county at one time contemplated fitting up the abandoned mint building at The Dalles for a woollen factory, but later, with Portland capitalists, making arrangements to erect a large mill at the fall of Des Chutes River.

Another woollen-mill was established at Brownsville in 1875, with four sets of machinery, which could manufacture tweeds, doeskins, cassimeres, satinets, flannels, and blankets. Its sales were about $150,000 annually, on a paid-up capital of $36,000. Linn county had a hosiery factory also. At Albany, also, there was a hosiery-mill, called The Pioneer, owned by A. L.

Stinson. It had the only knitting-machines in the state, and did its own carding and spinning. A woollen-mill at Ashland manufactured goods to the value of from forty to fifty thousand dollars annually, and was the property of two or three men. Its goods were in great demand, being of excellent quality.

The woollen manufactures of the Pacific coast excel in general excellence any in the United States, which is due to the superior quality of the wool used. The blankets made at the Oregon mills, for fineness, softness, and beauty of finish, are unequalled except by those made in California from the same kind of wool. The total amount invested in these manufactures in 1885 was about half a million; $400,000 worth of material was used, and $840,000 worth of fabric manufactured annually.

The first iron-founding done in Oregon was about 1858. Davis & Monastes of Portland, and the Willamette Iron-Works of Oregon City, were the pioneers in this industry. At the latter were built, in 1859, the engines and machinery for the first two steam saw-mills in the eastern portion of Washington and Oregon. These two mills were for Ruble & Co. at Walla Walla and Noble & Co. at The Dalles. According to Hittell, boiler-making was begun in Portland as early as 1852. *Resources*, 658. A. Rossi, F. Bartels, R. Hurley, and D. Smith were the owners of the Willamette Iron Foundry. *Or. Argus*, July 3, 1868. The Salem iron-works were erected in 1860, and turned out a variety of machinery, engines, and castings. They were owned by B. F. Drake, who came to California in 1851, and after mining for a short time settled at Oregon City, where he remained until he built his foundery at Salem. His foreman, John Holman, had charge of the works for fifteen years, and employed 12 men. *Hittell's Resources*, 663–4. John Nation, a well-known iron-worker, was at first associated with Drake. In 1862 this foundery built a portable engine of eight horse-power, to be used on farms as the motive power of thrashing-machines, the first of its kind in Oregon. Since that period founderies have been planted in different parts of the state as required by local business, Portland and The Dalles being the chief centres for the trade on account of the demands of steamboat and railroad traffic.

The presence of iron ore in many parts of Oregon has been frequently remarked upon. It is known to exist in the counties of Columbia, Tillamook, Marion, Clackamas, and in the southern counties of Jackson and Coos. Its presence in connection with fire-clay is considered one of the best proofs of the value of the coal-fields of Oregon, the juxtaposition of coal, iron, and fire-clay being the same here as in the coal-bearing regions of other parts of the world. The most important or best known of the iron beds of the state are in the vicinity of Oswego, a small town on the Willamette, six miles south of Portland, and extending to the Chehalem valley, fifteen miles from that city.

Equally rich beds of the ore are found near St Helen, and from the outcroppings between these two points the deposit seems to curve around to the west of Portland, and to extend for twenty-five miles, with the richest beds at either end. At St Helen the ore has never been worked, except in a blacksmith-shop, where it has been converted into horse-shoes. Several varieties of iron ore exist in the state, including the chromites of Josephine county.

The Oswego iron was tested in 1862, and found to be excellent. *Or. Statesman*, Jan. 19 and Feb. 9, 1863; *Or. Argus*, Jan. 24, 1863. It yields about fifty per cent of pure metal; and it is estimated that there are sixty thousand tons in the immediate vicinity of this place, while less than three miles away is another extensive deposit, from twelve to fifteen feet in depth. A company was formed at Portland February 24, 1865, under the name of the Oregon Iron Company, to manufacture iron from the ore at Oswego, which proceeded to erect works at this place, Sucker Creek, the outlet of a small lake, furnishing the water-power. President, W. S. Ladd, vice-president, H. C. Leonard; capital stock, $500,000, divided among 20 stockholders, most of whom resided in Oregon, the remainder in S. F. The incorporators were Louis McLane, Charles Dimon, W. S. Ladd, Henry Failing, A. M. Starr, H. D. Green, and

H. C. Leonard. The stack was modelled after the Barnum stack at Lime Rock, Connecticut, and was put up by G. D. Wilbur of that state. Its foundations were laid on the bed-rock at a depth of 16 feet, and it was constructed of solid, dry stone-work, covering a space of thirty-six square feet. The stack itself was built of hewn stone, obtained on the ground; was thirty-four feet square at the base, thirty-two feet high, and twenty-six feet square at the top. On top of the stack was a chimney, built of brick, forty feet high, and containing the oven for heating the air for the blast. The diameter of the top of the lower pyramid in which the smelting takes place was ten feet. The blow-house was built on the ground near the stack. The machinery for driving the air was propelled by water. The blast was furnished by two blowing cylinders of wood, five feet in diameter and six feet stroke. Charcoal was used for fuel. The capacity of the works was designed to be ten tons in twenty-four hours. The ore to be tested was the variety known as brown hematite, and it was found to yield from forty-six to seventy per cent of pure iron. The timber for making charcoal was in the immediate vicinity, and every circumstance seemed to promise success. The works reached completion in June 1867, having cost $126,000. The first run was made on the 24th of August, six tons of good metal being produced, which, on being sent to the S. F. founderies, was pronounced a superior article. By the first of October the Oregon Iron Co. had made 225 tons of pig-iron, costing to make twenty-nine dollars per ton, exclusive of interest on capital and taxes. The experiment, for experiment it was, proving that iron could be produced more cheaply in Oregon than in other parts of the U. S., though not so cheaply by half as in England, was satisfactory to those who had no capital in the enterprise, if not to those who had. The cost was distributed as follows:

166 bushels of charcoal, costing at the furnace 8 cents	$13 28
88 pounds lime, costing at furnace 4 cents	3 52
4,970 pounds of ore, costing at the furnace $2.50 a ton	5 50
Labor reducing ore, per ton	6 67
	$28 97

Browne's Resources, 219–22; *Or. City Enterprise*, June 8, 1867; *Clackamas County Resources*, 1. J. Ross Browne, in his very readable work, the *Resources of the Pacific States and Territories*, 220–1, published at S. F. in 1869, gives the relative cost of producing iron in England and the United States. An establishment, he says, capable of making 10,000 tons annually in this country would cost altogether, with the capital to carry it on, $2,000,000, while in England the same establishment, with the means to carry it on, would cost $800,000. At the same time the interest on the American capital would exceed that on the English capital by $120,000. In the U. S. a fair average cost of producing pig-iron was not less than $35 per ton, while in England and Wales it was $14, to which should be added the difference caused by the greater rate of interest in the U. S. See also *Langley's Trade Pac.*, i. 9–10; *Portland Oregonian*, July 28, 1866.

Owing to an error in building the stack, which limited the production of metal to eight tons per diem, the works were closed in 1869, after turning out 2,400 tons. Some of the iron manufactured was made up into stoves in Portland, and some of it in the construction of Ladd & Tilton's bank. It sold readily in S. F. at the highest market price, where, owing to being rather soft, it was mixed with Scotch pig. In 1874 the works were reopened, and ran for two years, producing 5,000 tons. In 1877 they were sold to the Oswego Iron Company, under whose management it was thought the production could be made to reach 500 tons a month. The sales for 1881 exceeded $150,000.

One serious disadvantage in smelting iron in Oregon was the lack of lime rock in the vicinity of the iron beds, and the cost of lime obtained formerly from San Juan Island or from Santa Cruz in California, and recently from New Tacoma. Limestone has often been reported discovered in various parts of the state, but no lime-quarries of any extent have yet been opened with kilns

for burning lime for market; and the want was greatly felt in house-building, as well as in manufactures. The only mineral of this character which has been worked in Oregon, or rather in Washington (for the works were on the north bank of the Columbia, though the rocks were found on both sides of the river), is a native cement, or gypsum, obtained from the bowlders in the neighborhood of Astoria. It was probably the same rock so often pronounced limestone by the discoverers in different parts of the state. As early as 1850 some military officers at Astoria burned some of the rock, and pronounced it limestone. A year or two later a kiln of it was burned and shipped to Portland, to be sold for lime. But the barge on which the barrels were loaded was sunk in the river with the cargo, which remained under water until 1864, when the barge being raised, it was found the barrels had gone to pieces, but their contents were solid rock. On these facts coming to the notice of the Oregon Steam Navigation Company, the officers contracted with Joseph Jeffers of Portland to furnish 500 barrels in a given time for the foundations of their warehouse in Portland. Mr Jeffers proceeded to build a kiln and burn the rock on the premises of John Adair, at upper Astoria, without consulting the owner. When the first kiln had turned out 100 barrels of cement the work was interfered with by Mr Adair and others, who claimed an interest in the profits as owners of the rocks and ground. A company was then formed, which filled the contract with the navigation company, and had 100 barrels more to sell. The masons found on slaking it that it contained lumps which remained hard, and gave them annoyance in the use. The plan was then conceived of grinding the cement to make it uniform in consistency, and works were erected for this purpose on the north side of the Columbia, by J. B. Knapp, at a place which received the name of the manufacturer. This article became known in the market as Oregon cement. Of quarrying stone, few varieties have been discovered in Oregon. This is greatly due to the overflow of basalt, which has capped and concealed the other formations. On Milton Creek, near St Helen, was found a bed of sandstone, which was quarried for the Portland market; and sandstone is reported at various localities, but before the Milton creek discovery stone was brought from Bellingham Bay in Washington to build the custom-house and post-office at Portland; and the custom-house at Astoria was built of rock taken out of the surrounding hills.

In Marion county, and in other parts of the state, as well as in Clarke county, Washington, near Lewis River, a yellowish and a bluish gray marl is found, which when first quarried is easily cut into any shape, but on exposure to the air, hardens and forms stone suitable for many purposes, though always rather friable. Mantels, door-sills, ovens, and many other things are cut out of this stone and sold to the farmers in the Willamette Valley, who use it in place of brick in building chimneys. Black marble has been found on the north side of the Columbia, in the Lewis River highlands. A beautiful and very hard white marble has been quarried in Jackson county, where it became an article of commerce, limited to that portion of the state. No other common minerals have been applied to the uses of mankind, with the exception of salt. In 1861 the manufacture of salt from brine obtained from wells dug at the foot of a high range of hills six miles south-east of Oakland, in Douglas county, was attempted, and was so far successful that about 1,000 pounds were obtained daily from the evaporation of two furnaces. The projectors of this enterprise were Dillard, Ward, and Moore. The works were run for a period, and then closed.

On the farm of Enoch Meeker, about the north line of Multnomah county, was a salt-spring, similar to those in Douglas county, and situated similarly, at the foot of a range of high, timbered mountains. Meeker deepened the well about twenty-seven feet, and made a little salt by boiling, as an experiment. In this well, at the depth mentioned, the workmen came upon the charred wood of a camp-fire, the sticks arranged, without doubt, by the hands of men. The salt appeared good, but had a bitter taste. In 1867 Henry C. Victor leased the salt-spring and land adjoining, with a view to establishing the manufacture of salt. Works were erected, which made about two tons per

day for several months, but the returns not being satisfactory, they were closed, and the manufacture was never resumed. The salt made at these works granulated in about the fineness used in salting butter, for which purpose, and for curing meats, it was superior to any in the market, being absolutely pure, as was proved by chemical tests. A sample of it was taken to the Paris exposition by Blake, one of the California commissioners. Henry C. Victor was born Oct. 11, 1828, in Pennsylvania. His parents removed to Sandusky, Ohio, in his boyhood, and he was educated at an academy in Norwalk. He studied naval engineering, and entered the service of the U. S. about the time Perry's expedition was fitting for Japan, and sailed in the *San Jacinto*. He was in Chinese waters at the time of the opium war with the English, and distinguished himself at the taking of the Barriere forts, becoming a favorite with Sir John Bowering, with whom he afterward corresponded. After three years in Asiatic ports, he returned to the U. S. and was soon after sent to the coast of Africa. The locality and the time suggested controversies on the slavery question and slave-trade. Victor was in opposition to some of the officers from the southern states, and in a controversy in which a southerner was very insulting, gave his superior officer a blow. For this offense he was suspended, and sent home. Shortly after being restored to service came the war for the union, and he was assigned to duty in the blockading squadron before Charleston. In February 1863 he brought the splendid prize, *Princess Royal*, to Philadelphia; shortly after which he was ordered to the Pacific. While cruising along the Mexican coast, fever prostrated a large portion of the crew, Victor among the rest, who, having had the dangerous African fever, was unfitted by it for duty, and resigned. While at Manzanillo he made a survey of the lake extending from this port toward the city of Colima, which becomes dry at some seasons and breeds pestilence, with a view to cutting a canal to the sea and letting in the salt water. Selim E. Woodworth of S. F. joined with him and several others in forming a company for this work. An agent was employed to visit the city of Mexico, and get the consent of the government to the scheme. Permission was obtained, but the vessel being soon after brought to S. F. with a disabled crew, and Victor's resignation following, put an end to the canal scheme, so far as its projectors were concerned. The year following, 1864, Victor went to Oregon and engaged in several enterprises, chiefly concerning coal and salt. Like many others, they were premature. Mr Victor perished with the foundering of the steamer *Pacific*, in November 1875, in company with about 300 others. His wife was Frances Fuller, whose writings are quoted in my work.

Paper, of a coarse quality, was first made at Oregon City in 1867, but the building erected proved to be not adapted to the business, and was sold for a flouring mill after running one year. *Buck's Enterprises*, MS., 4–5. The originator of the enterprise, W. W. Buck, then built another mill, with capital furnished by the publisher of the *Oregonian*, and was successful, manufacturing printing and wrapping paper, which was all consumed in and about Portland. *Nash's Or.*, 225; *Adams' Or.*, 31; *Hittell's Resources*, 636.

The production of turpentine was commenced at Portland in 1863, by T. A. Wood. The factory was destroyed by fire in 1864, after which this article was wholly imported, although the fir timber of Oregon afforded immense quantities of the raw material, many old trees having deposits an inch or more in thickness extending for twenty feet between layers of growth. But the high price of labor on the Pacific coast at the period mentioned was adverse to its manufacture, and the close of the civil war, allowing North Carolina to resume trade with the other states, brought down the price below the cost of production in Oregon.

Pottery began to be manufactured at Buena Vista about 1865, from clay found at that place. For several years the business languished, the proprietor, A. N. Smith, being unable to introduce his goods into general use. Subsequently, however, the Buena Vista works employed over fifty men, and furnished all descriptions of stoneware, fire-brick, sewer-pipes, and garden-pots

equal to the best. *Resources Or. and Wash.*, 1881, 70-1. Soap, for all purposes, was long imported into Oregon, the first factory being established in Portland in 1862, by W. B. Mead. *Or. Argus*, June 7, 1862. In 1865 R. Irving commenced the manufacture of this article, and being joined by G. A. Webb, the Oregon Standard Soap Company was formed, which turned out fifteen varieties of soap, and was the second manufactory of this kind on the Pacific coast. *Review Board of Trade*, 1877, 12; *Hittell's Resources*, 719. Vinegar was made for market at Portland and Butteville, to the amount of four hundred thousand gallons annually.

Fruit-drying was carried on at Oregon City and other points to a considerable extent, but no reliable figures are to be found concerning this industry, which is divided up among individual fruit-raisers. Patented movable dryers were used, which could be set up in any orchard. Plums, prunes, pears, and apples were the fruits commonly dried, and their excellence was unsurpassed, the fruit being fine, and the method of preserving leaving the flavor unexhausted, and each separate slice clean and whole.

A flax-mill was established at Albany in 1877, which manufactured 5,000 pounds of linen twines and threads per month. The flax was grown in Linn county, by tenant farmers, who worked on shares for one third of the crop at twelve cents a pound for the fibre, and the market price for the seed. The mill company, having two thirds of the crop for rental, only paid for one third of the flax used, which left them a profit of about $9,000 a year in the factory. The seed produced was worth $45 an acre. It had long been known that flax was a native product of Oregon. It was discovered by experiment that the cultivation of it was favored by the soil and climate. Linseed oil was first manufactured at Salem. The company was incorporated in November 1866. Their machinery, having a capacity for crushing 30,000 bushels of seed per annum, was shipped around Cape Horn, and since 1867 the Pioneer Oil Mill has been running, its capacity being increased to 60,000 bushels. *Brown's Salem Direc.*, 1871, 1874; *Gilfry's Or.*, MS., 86; *U. S. Agric. Rept*, 1872, 451. Tow for upholstering was made at this establishment. The fibre of Oregon flax is very fine and strong, with a peculiar silkiness which makes it equal to the best used in the manufacture of Irish linens.

The first tannery in Oregon, other than household ones, was that of Daniel H. Lownsdale, on Tanner's Creek, just back of the original Portland land claim. Here was made the leather, valued at $5,000, which purchased Pettygrove's interest in the town. The manufacture of this article has not been what the natural resources of the country warranted until recently. Small tanneries existed at several places, including Portland, Salem, Eugene City, Brownsville, Coquille City, Parkersburg, and Milwaukee. Leinenweber & Co. of upper Astoria first connected the manufacture of leather with the making of boots and shoes. The Oregon Leather Manufacturing Company was incorporated in 1878, A. W. Waters, president. The company employed convict labor, and turned out 30,000 sides annually, at a good profit. *Hittell's Resources*, 495. Boots and shoes were made extensively by several firms. Aikin, who began the manufacture in a small way at Portland, in 1859, was later associated with Selling & Co., and had a profitable trade with Idaho and Montana. The Oregon Boot, Shoe, and Leather Manufacturing Company of Portland is the successor to Hibbard & Brazee who begun manufacturing in 1873, and projected the new company in 1881, which employed fifty workmen. The factory of B. Leinenweber & Co. at Astoria cost $40,000, employed 35 workmen, and manufactured $78,000 worth of goods annually. Gloves of the coarser sort were made at two places in Portland, and one place in Eugene City. Saddle and harness making was carried on in every town of any importance, but only to supply the local demand. Wagons and carriages were also manufactured to a limited extent. Brooms and brushes were made at Portland. Malt liquors were produced at thirty-four different breweries in the state, to the amount of 24,000 barrels per annum. Portland early enjoyed a spice and coffee mill, candy factory, and various other minor industries.

Manufactures which are secondary to trade are slow in development, the

country lacking population and excess of capital. But the requirements for becoming a manufacturing state are present in abundance in water-power, timber, minerals, and the means of rapid transportation, and out of the small beginnings here referred to as proof of what our generation of men have accomplished in the face of unusual obstacles, another generation of their descendants will be able to evoke grand results.

MINES AND MINING.

I have not yet particularized the mineral resources of Oregon, except as to iron mentioned incidentally along with manufactures. Gold, as a precious metal, has exercised a great influence in the progress of the country. It gave the people a currency which emancipated them from the thraldom of wheat-raising and fur-hunting, by which alone any trade could be carried on previously. It improved their farms, built mills and steamboats, chartered ships, and loaded them with goods necessary for their comfort. It enlarged their mental and social horizon, and increased their self-respect. It was California gold which first revolutionized pioneer Oregon. But there was gold in Oregon sufficient for her needs, had it been known. James D. Dana, of Wilkes' exploring expedition, remarked upon the appearance of southern Oregon, and its resemblance to other gold-bearing regions, as early as 1841. Ten years later John Evans was appointed U. S. geologist to institute researches on the main line of the public land surveys about to be commenced in Oregon, and was, through the petitions of the Oregon legislature, continued in the service for several years. Evans was thoroughly identified with the study of Oregon geology. He was born in Portsmouth, N. H., Feb. 14, 1812; educated at Andover, studied medicine, and married a daughter of Robert Miles of Charleston, S. C. He was appointed assistant to David Dale Owen to prosecute some geological surveys in the west, and soon after completing this work was sent to Oregon. He died of pneumonia at Washington city, April 20, 1861. *Silliman's Journal*, xxxii. 311–18; *Or. Statesman*, May 20, 1861. But aside from satisfying the government of the value of its territories in a general way, these scientific surveys had little bearing upon the actual development of mineral resources. Gold deposits were always discovered by accident or the patient search of the practical miner.

Following the discovery of the placer mines of Rogue River Valley in 1851 was the discovery of the beach mines in 1852, on the southern coast of Oregon. Late in 1853 more than a thousand men were mining south of Coos Bay. Then came other discoveries, and finally the current of gold-seeking was turned into eastern Oregon, not altogether ignoring the western slopes of the Cascades, where mining districts were marked out, prospected, a pocket or two of great richness found and exhausted, and the district abandoned. These things have been spoken of as they occurred in the settlement of the country.

The actual yield of the mines could not be determined. About Jacksonville and on the head waters of the Illinois River they were very rich in spots. While five dollars a day only rewarded the majority of miners, it was not uncommon to find nuggets on the Illinois weighing forty-six, fifty-eight, or seventy-three ounces. *Sac. Union*, April 23, July 28, and Sept. 10, 1858; *Dana's Great West*, 284. The Jacksonville mines also yielded frequent lumps of gold from six to ten ounces in weight. The introduction of hydraulics in mining about 1857 redoubled the profits of mining. As much as $100,000 was taken from a single beach mine a few miles north of the Coquille River. About the spring of 1859 quartz mines were discovered in Jackson county, which yielded at the croppings and on top of the vein fabulous sums, but which soon pinched out or was lost.

About 1857 a discovery was made of gold in the bed of the Santiam and its branches in Marion county, but not in quantities to warrant mining, although a limited extent of ground worked the following two years paid

from four to six dollars a day. *Or. Statesman*, Aug. 11, 1857, Sept. 28, 1858; *Or. Argus*, Aug. 20, 1859. In 1860 reputed silver quartz was found on both the Santiam and Moballa rivers, and many claims were located. But it was not until 1863 that undoubted quartz lodes were discovered in the Cascade Mountains on the north fork of the Santiam. A camp called Quartzville was established at a distance of about fifty miles from Salem and Albany in the autumn of that year, and in the following season some of the leads were slightly worked to show their character, and yielded twenty-one dollars to the ton, a little more than half in silver. *Portland Oregonian*, July 29, 1864. The most noted of the veins in the Santiam district was the White Bull lode, situated on Gold Mountain, where a majority of the leads were found. It was eight feet wide and very rich. The Union company of Salem removed a bowlder from one of their claims, under which they found first a bed of gravel and earth several feet in depth, then bastard granite, and beneath that a bluish gray rock with silver in it. Beneath the latter was a layer of decomposed quartz overlying the true gold-bearing quartz. Out of this mine some remarkable specimens were taken. The hard white rock sparkled with points of gold all over the surface. In some cavities where the quartz was rotten, or at least disintegrated and yellowed, were what were called eagle's-nests; namely, skeins of twisted gold fibres of great fineness and beauty attached to and suspended from the sides of the opening, crossing each other like straws in a nest, whence the name. This variety of gold, which is known as thread gold, was also found in the mountains of Douglas county.

The Salem company took out about $20,000 worth of these specimens, and then proceeded to put up a quartz-mill. But the mine was soon exhausted, and the treasure taken out went to pay the expenses incurred. This outcome of the most famous mine discouraged the further prosecution of so costly an industry, and the Santiam district was soon known as a thing of the past. It was the opinion of experts that the gold was only superficial, and that the true veins were argentiferous. A company as late as 1877 was at work on the Little North fork of the Santiam, which heads up near Mount Jefferson, tunnelling for silver ore. At different places and times both gold and silver have been found in Marion and Clackamas counties, but no regular mining has ever been carried on, and the development of quartz-mining by an agricultual community is hardly to be expected. Surveyor-general's rept, 1868, in *Zabriskie*, 1046–7, MS., *Sec. Int. Rept*, 1857, 321–6, 40th cong. 3d sess.; *Albany Register*, July 28, 1871; *Corvallis Gazette*, Sept. 1, 1876. I have already spoken of the discovery of the mines of eastern Oregon, and its effect upon the settlement and development of the country. No absolutely correct account has ever been kept, or could be given, of the annual product of the Oregon mines, the gold going out of the state in the hands of the private persons, and in all directions. In 1864 the yield of southern and eastern Oregon together was $1,900,000. The estimate for 1867 was $2,000,000; for 1869, $1,200,000; for 1887–8, over $1,280,000; and for 1881, $1,140,000. *Review Board of Trade*, 1877, 34; *Ried's Progress of Portland*, 42; *Pacific North-west*, 32–3; *Hittell's Resources*, 290. The annual yield of silver has been put down at $150,000, this metal being produced from the quartz veins of Grant and Baker counties, the only counties where quartz-mining may be said to have been carried on successfully.

The Virtue mine near Baker City deserves special mention as the first quartz mine developed in eastern Oregon, or the first successful quartz operation in the state. It was discovered in 1863 by two men on their way to Boisé, who carried a bit of the rock to that place and left it at the office of Mr Rockfellow, who at once saw the value of the quartz, and paid one of the men to return and point out the place where it had been found. Upon tracing up other fragments of the quartz, the ledge from which they came was discovered and Rockfellow's name given to it. *Walla Walla Statesman*, Sept. 5, 1863; *Idaho Silver City Avalanche*, Nov. 11, 1876; *Portland Oregonian*, Sept. 16 and Oct. 7, 1863. The Pioneer mine and two other lodes were discovered at the same time. An arastra was at once put up, and the Rock-

fellow mine tested. The first specimens assayed by Tracy and King of Portland showed $1,300 in gold and $20 in silver to the ton. *Id.*, May 17, 1864. In the spring of 1864 Rockfellow took J. S. Ruckel of the O. S. N. Co. into partnership, and two arastras were put at work on the ore from this mine. A little village sprang up near by, of miners and artisans, dependent upon the employment afforded by it. In July $1,250 was obtained out of 1,500 pounds of rock. The gold was of unusual fineness, and worth $19.50 per ounce. *Id.*, July 21, 1864. A tunnel was run into the hill, intended to tap the several ledges at a depth of 300 to 500 feet, and a mill was erected on Powder River, seven miles from the mine, on the travelled road to Boisé. It had a capacity of 20 stamps, but ran only 12. It began crushing in October, and shut down in November, the trial being entirely satisfactory. In May 1865 it started up again, crushing rock, the poorest of which yielded $30 to $40 to the ton, and the best $10,000. Up to this time about $75,000 had been expended on the mine and mill. A large but unknown quantity of gold was taken out of the mine. Rockfellow & Ruckel sold out, and about 1871–2 a company, of which Hill Beachy was one and James W. Virtue another, owned and worked the mine. It took the name of the Virtue Gold Mining Company. In the mean time Baker City grew up in the immediate vicinity of the mill, where Virtue followed assaying and banking, dependent largely upon the mine, and which became the county seat. In 1872 the new company erected a steam mill with 20 stamps, and other buildings, and employed a much larger force, extending tunnels and shafts. In 1876 a shaft was down 600 feet, connecting with the various levels, and the vein had been worked along the line of the lead 1,200 feet. The quartz is of a milky whiteness, hard, but not difficult to crush. It yields from $20 to $25 per ton, with a cost of $5 for mining and milling. All the expenses of improvements have been paid out of the proceeds of the mine, which is making money for its owners. A foundery was established at Baker City in connection with the mine, which besides keeping it in repair has plenty of custom-work.

The Emmet mine, 500 feet above the Virtue, had its rock crushed in the Virtue mill, and yielded $22.50 per ton. *Baker City Red Rock Democrat*, Feb. 14, 1872; *Silver City Avalanche*, Jan. 8 and Nov. 11, 1876.

Among the many veins of gold-bearing quartz discovered simultaneously in the early part of 1860, that found by the Hicks brothers returned thirty ounces of gold to a common mortarful of the rock. On the 13th of January George Ish discovered a vein in an isolated butte lying twelve miles from Jacksonville, in a bend of Rogue River, which yielded on the first tests twelve dollars to every pound of rock. Two bowlders taken from the surface, weighing forty and sixty pounds respectively, contained one pound of gold to every five pounds of rock. No part of the rock near the surface contained less than ten dollars to the pound, and from a portion of the quartz fifteen dollars to the pound was obtained. The first four hundred pounds contained 404 ounces of gold. From a piece weighing four pounds, twelve and a half ounces of gold were obtained; 800 pounds of rock produced 60 pounds of amalgam. John E. Ross, who had a claim on this butte called Gold Hill, realized an average of $10 to the pound of rock. One piece weighing 14 pounds gave up 36 ounces of gold. *Sac. Union*, Feb. 16 and 27, 1860; *Northern Yreka Journal*, Feb. 9, 1860; *Siskiyou County Affairs*, MS., 24. The rock in the Ish vein was very hard and white, with fine veins of gold coursing through it, filling and wedging every crevice. It appeared to be a mine of almost solid gold. Thomas Cavanaugh, one of the owners, refused $80,000 for a fifth interest. Ish and his partners went east to purchase machinery to crush the quartz. In the mean time the casing rock was being crushed in an arastra, and yielded $700 a week, while the miners were taking out quartz preparatory to setting up the steam mill which had been purchased. When less than 600 tons of quartz had been mined it was found that the vein was detached, and to this day the main body of the ore has not been found. The expenses incurred ruined the company, and Gold Hill was abandoned after $130,000 had been taken out and expended. Surveyor-general's rept, in

Zabriskie, 1041. Nor was the Ish mine the only instance of rich quartz. When veins began to be looked for they were found in all directions. A mine on Jackson Creek yielded forty ounces of gold in one week, the rock being pounded in a common mortar. In May a discovery was made on the head of Applegate Creek which rivalled the Ish mine in richness, producing 97 ounces of gold from 22 pounds of rock. Ten tons of this quartz yielded at the rate of $2,352 to the ton. *Sac. Union*, Aug. 30, 1860, and March 15, 1861; *Or. Statesman*, March 18, 1861.

Notwithstanding that a number of these flattering discoveries were made, quartz-mining never was carried on in Jackson county to any extent, owing to the expense it involved, and the feeling of insecurity engendered by the experiments of 1860. In 1866 the Occidental Quartz Mill Company was organized, and a mill with an engine of 24 horse-power was placed on the Davenport lead on Jackson Creek. Arastras were generally used, by which means much of the gold and all of the silver was lost. Within the last dozen years several mills have been introduced in different parts of southern Oregon. The placers have been worked continuously, first by Americans and afterwards by Chinamen, who, under certain taxes and restrictions, have been permitted to occupy mining ground in all the gold districts of Oregon, although the constitution of the state forbids any of that race not residing in Oregon at the time of its adoption to hold real estate or work a mining claim therein. The first law enacted on this subject was in December 1860, when it was declared that thereafter 'no Chinaman shall mine gold in this State unless licensed to do so as provided,' etc. The tax was $2 per month, to be paid every three months in advance, and to be collected by the county clerk of each county where gold was mined on certain days of certain months. Any Chinaman found mining without a license was liable to have any property belonging to him sold at an hour's notice to satisfy the law. Ten per cent of this tax went into the state treasury. If Chinamen engaged in any kind of trade, even among themselves, they were liable to pay $50 per month, to be collected in the same manner as their mining licenses. *Or. Laws*, 1869, 49–52. The law was several times amended, but never to the advantage of the Chinese, who were made to contribute to the revenues of the state in a liberal manner.

The product of the mines of Jackson county from 1851 to 1866 has been estimated at a million dollars annually, which, from the evidence, is not an over-estimate. *Hines' Or.*, 288; *Gilfry's Or.*, MS., 51–3.

The first to engage in deep gravel-mining was a company of English capitalists, who built a ditch five miles long in Josephine county, on Galice Creek, in 1875, and found it pay. A California company next made a ditch for bringing water to the Althouse creek mines in the same county. The third and longer ditch constructed was in Jackson county, and belonged to D. P. Thompson, A. P. Ankeny & Co., of Portland, and is considered the best mining property in the state. It conducted the water a distance of twenty-three miles to the Sterling mines in the neighborhood of Jacksonville. Another ditch, built in 1878, eleven miles long, was owned by Klipfel, Hannah & Co., Jacksonville, and by Bellinger, Thayer, Hawthorne, and Kelly of Portland. It brought water from two small lakes in the Siskiyou Mountains to Applegate Creek, and cost $30,000. *Ashland Tidings*, Sept. 27, 1878. The results were entirely satisfactory. A company was formed by W. R. Willis, at Roseburg, in 1878, with a capital of half a million for carrying on hydraulic mining on the west bank of Applegate Creek. They purchased the water rights and improvements of all the small miners, and took the water out of the creek above them for their purposes. J. C. Tolman of Ashland in the same year brought water from the mountains to the Cow Creek mines. The Chinamen of Rogue River Valley also expended $25,000, about this time, in a ditch to bring water to their mining ground, and with good results. *Duncan's Southern Or.*, MS., 10. Thus, instead of the wild excitement of a few years in which luck entered largely into the miner's estimate of his coming fortune, there grew up a permanent mining industry in Jackson county, requiring the

investment of capital and making sure returns. In a less degree the same may be said of Douglas county, and also of Coos when the hydraulic process is applied to the old sea-beaches about four miles from the ocean, which are rich and extensive.

It was not until 1866 that silver ledges received any attention in southern Oregon. The first location was made one mile west of Willow Springs, in Rogue River Valley, on the crest of a range of hills running parallel with the Oregon and California road. This was called the Silver Mountain ledge, was eight feet in width at the croppings, and was one of three in the same vicinity. *Jacksonville Reporter*, Jan. 13, 1866; *Jacksonville Reveille*, Jan. 11, 1866; *Portland Oregonian*, Jan. 27, 1866. In the following year silver quartz was discovered in the mountains east of Roseburg. Some of the mines located by incorporated companies in Douglas county were the Monte Rico, Gray Eagle, Excelsior, and Last Chance, these ledges being also gold-bearing. This group of mines received the name of the Bohemia district. E. W. Gale and P. Peters were among the first discoverers of quartz in Douglas county. *Roseburg Ensign*, Sept. 14 and 21, 1867; *Salem Willamette Farmer*, July 9, 1870. On Steamboat Creek, a branch of the Umpqua, James Johnson, a California miner, discovered a gold mine in quartz which assayed from $500 to $1,000 to the ton. Owing to its distance from the settlements and the difficulty of making a trail, it was neglected. The Monte Rico silver mine, in the Bohemia district, yielded nearly two hundred dollars per ton of pure silver. In 1868 the Seymour City and Oakland mines were located, all being branches of the same great vein. John A. Veatch describes the Bohemia district as pertaining as much to Lane as Douglas county, and lying on both sides of the ridge separating the waters of the Umpqua and Willamette. He called it a gold-bearing district, with a little silver in connection with lead and antimony. Specimens of copper were also found in the district. *Id.*, July 12, 1869. John M. Foley, in the *Roseburg Ensign* of August 29, 1868, describes the Bohemia district as resembling in its general features the silver-bearing districts of Nevada and Idaho. There is no doubt that gold and silver will at some period of the future be reckoned among the chief resources of Douglas county, but the rough and densely timbered mountains in which lie the quartz veins present obstacles so serious, that until the population is much increased, and until it is less easy to create wealth in other pursuits, the mineral riches of this part of the country will remain undeveloped.

The other metals which have been mined, experimentally at least, in southern Oregon, are copper and cinnabar. Copper was discovered in Josephine county on the Illinois River in 1856, near where a vein called Fall Creek was opened and worked in 1863. The first indications of a true vein of copper ore were found in 1859, by a miner named Hawes, on a hill two miles west of Waldo, in the immediate vicinity of the famous Queen of Bronze mine, and led to the discovery of the latter. The Queen of Bronze was purchased by De Hierry of San Rafael, California, who expended considerable money in attempts to reduce the ore, which he was unable to do profitably. The Fall Creek mine was also a failure financially. Its owners—Crandall, Moore, Jordan, Chiles, and others—made a trail through the mountains to the coast near the mouth of Chetcoe River, a distance of forty miles, where there was an anchorage, superior to that of Crescent City, from which to ship their ore, but the expenditure was a loss. In this mine, as well as in the Queen of Bronze, the ore became too tough with pure metal to be mined by any means known to the owners.

The first knowledge of cinnabar in the country was in 1860, when R. S. Jewett of Jackson county, on showing a red rock in his mineral collection to a traveller, was told that it was cinnabar. The Indians from whom he had obtained it could not be induced to reveal the locality, so that it was not until fifteen years later that a deposit of the ore was found in Douglas county, six miles east of Oakland. The reason given for concealing the location of the cinnabar mine was that the Indians had, by accident, and by burning a large fire on the rock, salivated themselves and their horses, after which they had

a superstitious fear of it. Rogue River John, on seeing Jewett throw a piece of the rock upon the fire, left his house, and could not be induced to return. *Portland West Shore*, Nov. 1878, 73. The owners erected a furnace capable of retorting six hundred pounds per day to test the mine, and obtained an average of forty dollars' worth of quicksilver from this amount of ore. The mine was then purchased by the New Idria company, which put up two furnaces, capable of retorting three tons daily. The assay of the ore yielded from sixty to eighty pounds of pure quicksilver per ton. Fuel being plenty and cheap made this a profitable yield. The mine was owned entirely in Oregon. The officers were A. L. Todd president, A. C. Todd secretary, J. P. Gill treasurer, J. W. Jackson superintendent, T. S. Rodabaugh agent. Gill, Rodabaugh, and Jackson composed the board of directors. The cost of opening up the Nonpareil mine was $40,000. *Roseburg Plaindealer*, Sept. 20, 1879. Partial discoveries of tin have been made in Douglas county, but no mine has yet been found. Among the known mineral productions of the southern counties are marble, salt, limestone, platina, borax, and coal. The latter mineral was discovered about the same time near the Columbia and at Coos Bay.

The first coal discoveries at Coos Bay were made in 1853 near Empire City and North Bend. The first to be worked was the Marple and Foley mine, about one mile from the bay, which was opened in 1854. It was tried on the steamer *Crescent City* in May of that year, and also in S. F., and pronounced good. *S. F. Alta*, May 6, 12, 1854. The first cargo taken out was carried in wagons to the bay, and transferred to flat-boats, which conveyed it to Empire, where it was placed on board the *Chansey* for S. F. The vessel was lost on the bar in going out, but soon after another cargo was shipped, which reached its destination, where it was sold at a good profit. This mine was abandoned on further exploration, the next opened being at Newport and Eastport, in 1858. James Aiken discovered these veins. The Eastport mine was opened by Northrup and Symonds, and the Newport mine by Rogers and Flannagan. The early operations in coal at Coos Bay were expensive, owing to the crudities of the means employed. The Eastport mine was sold in 1868 to Charles and John Pershbaker, and subsequently to another company. According to the *S. F. Times* of March 6, 1869, the purchasing company were J. L. Pool, Howard, Levi Stevens, I. W. Raymond, J. S. Dean, Oliver Eldridge, Claus Spreckels, and W. H. Sharp. Rogers sold his interest in the Newport mine to S. S. Mann. These two mines have been steadily worked for sixteen years, and are now in a better condition than ever before. Several others have been opened, with varying success, the Southport mine, opened in 1875, being the only successful rival to Newport and Eastport.

The coal-fields at Coos Bay appear to extend from near the bay to a distance of five miles or more inland, through a range of hills cropping out in gulches or ravines running toward the bay, and on the opposite side of the ridge. The strata lie in horizontal planes, having in some places a slight inclination, but generally level, and have a thickness of from eight to ten feet. They are easily reached by from three to five miles of road, which brings them to navigable water. The same body of coal underlies the spurs of the Coast Range for hundreds of miles. It has been discovered in almost every county on the west side of the Willamette, and along the coast at Port Orford, Yaquina and Tillamook bays, on the Nehalem River, and in the highlands of the Columbia. A large body of it exists within from one to seven miles of the river in Columbia county. Discoveries of coal have also been made in eastern Oregon, near Cañon City, and on Snake River, three miles from Farewell bend. *Roseburg Independent*, Nov. 1, 1879; *Oregon Facts*, 15–16; *Corvallis Gazette*, April 13, 1867; *Portland West Shore*, Feb. 1876, and Jan. and March 1877; *S. F. Mining and Scientific Press*, Dec. 14, 1872; *Gale's Resources of Coos County*, 45–56; *Browne's Resources*, 237; *Resources of Southern Or.*, 10–12.

With regard to the quality of the coals in Oregon, they were at first classed by geologists with the brown lignites. 'This name,' says the *Astorian* of Aug. 29, 1879, 'is an unfortunate one, as it is now proved that the coals called

lignites are not formed of wood to any greater extent than are the coals of the carboniferous period. It gives the impression of an inferior coal, which in the main is a mistaken idea, for coals of every quality, and fit for all uses, can be found in the so-called lignites of the Pacific coast.' An analysis of Coos Bay coal, made in 1877, gave water 9.87, sulphur 3.73, ash 10.80, coke 50.00, volatile gases 26.40. *S. F. Call*, June 23, 1867. Another analysis by Evans gave carbon in coke 60.30, volatile gases 25.50, moisture 9.00, ash 4.70; specific gravity 1.384. *Or. Statesman*, Aug. 18, 1857. It varies in appearance and character in different localities. At Coos Bay it is described as a clean, black coal, of lustrous chonchoidal fracture, free from iron pyrites, with no trace of sulphur, burning without any disagreeable odor and comparatively little ash. It cakes somewhat in burning and gives off considerable gas. This description applies equally well to the coal on the Columbia River, where it is has been tested, and to the mines on Puget Sound. In certain localities it is harder and heavier, and the same mine in different veins may contain two or more varieties. Later scientists speak of them as brown coals, and admit that they are of more remote origin, and have been subjected to greater heat and pressure than the lignites, but say that they occupy an intermediate position between them and the true coals. *U. S. H. Ex. Doc.*, x. 206, 42d cong. 2d sess. It would be more intelligent to admit that nature may produce a true coal different from those in England, Pennsylvania, or Australia.

The cost of producing coals at Coos Bay is one dollar a ton, and fifteen cents for transportation to deep water. Transportation to S. F. is two dollars a ton in the companies' own steamers of seven and eight hundred tons. In 1856 it was $13 per ton, and coal $40. The price varies with the market. Relatively, Coos Bay coal holds its own with the others in market. The prices for 1873 were as follows: Sidney, $17; Naniamo (V. I.), $16; Bellingham Bay, $15; Seattle, $16; Rocky Mountain, $16; Coos Bay, $15; Monte Diablo (Cal.), $12. *S. F. Bulletin*, Jan. 14, 1873. Prices have been lowered several dollars by competition with Puget Sound mines. The value of the coals exported from Coos Bay in 1876–7 was $317,475; in 1877–8 it was $218,410; and in 1878–9 it was $150,255. This falling-off was owing to competition with other coals, foreign and domestic, and the ruling of lower prices for fuel. Still, as the cost of Coos Bay coals laid down in S. F. is less than four dollars, there is a good margin of profit.

IMPORTS AND EXPORTS.

I will now give a few statistics concerning imports and exports. In 1857 Oregon had 60,000 inhabitants, and shipped 60,000 barrels of flour, 3,000,000 pounds of bacon and pork, 250,000 pounds of butter, 25,000 bushels of apples, $40,000 worth of chickens and eggs, $200,000 worth of lumber, $75,000 worth of fruit-trees, $20,000 worth of garden-stuff, and 52,000 head of cattle, the total value of which was $3,200,000. The foreign trade, if any, was very small. In 1861 the trade with California amounted to less than two millions, which can only be accounted for by the greater home consumption caused by mining immigration, and the lessened production consequent upon mining excitement. This year the imports from foreign countries amounted only to $1,300, and the exports to about $77,000. During the next decade the imports had reached about $700,000, and the exports over $800,000. In 1881 the imports were a little more than $859,000, and the direct exports $9,828,905, exclusive of the salmon export, which amounted to $2,750,000, and the coastwise trade, which was something over six millions, making an aggregate of more than eighteen and a half millions for 1881, or an increase of almost a million annually for the twenty years following 1860. *Reid's Progress of Portland*, 42; *Hittell's Resources Pacific North-west*, 57–8; *Smalley's Hist. N. P. R. R.*, 374. The increase, however, was gradual until 1874, when the exports suddenly jumped from less than $700,000 to nearly a million and a half, after which they advanced rapidly, nearly doubling in 1881 the value of 1880.

The imports to Oregon have consisted of liquors, glass, railway iron, tin, and a few minor articles which come from England; coal comes from Australia as ballast of wheat vessels; general merchandise from China; rice, sugar, and molasses from the Hawaiian Islands; and wool, ore, and hides from British Columbia. The exports from Oregon consist of wheat, oats, flour, lumber, coal, wool, salmon, canned meats, gold, silver, iron, live-stock, hops, potatoes, hides, fruit, green and dried, and to some extent the products of the dairy. A comparative statement of the principal exports is given for the year ending August 1878, in *Reid's Progress of Portland*, a pamphlet published in 1879 by the secretary of the Portland board of trade.

	1877-8.	1876-7.
Salmon to S. F., in cases, value	$980,956	$1,750,350
Wheat, flour, oats, hops, potatoes, lumber, hides, pickled salmon, treasure, and all domestic products from the Columbia to S. F., except wool and coal	3,765,687	2,332,000
Wool exports via San Francisco	998,305	756,000
Coal from Coos Bay	218,410	317,475
Lumber from Coos Bay and the coast	151,234	173,367
Total to San Francisco	$6,124,492	$5,329,192
Wheat and flour direct to the United Kingdom, value	4,872,027	3,552,000
Canned salmon direct to Great Britain, value	1,326,056	737,830
Beef and mutton, canned and uncanned, value	133,895	365,733
Wheat, flour, and other products to the Sandwich Islands and elsewhere, value	637,636	386,600
Gold and silver from Oregon mines, value	1,280,867	1,200,000
Cattle to the eastern states, etc	270,000	.....
	$14,644,973	$11,571,355
Increase in one year		3,073,618

The number of vessels clearing at the custom-house of Portland and Astoria for 1880 was 141, aggregating 213,143 tons measurement; 93 of these vessels were in the coastwise trade, the remaining 48, measuring 40,600 tons, were employed in the foreign trade. In 1881 the clearances for foreign ports from Portland alone were 140, measuring 130,000 tons, and the clearances for domestic ports, including steamships, were not less than 100, making an increase in the number of sea-going vessels of ninety-nine.

CHAPTER XXIV.

LATER EVENTS.

1887-1888

RECENT DEVELOPMENTS IN RAILWAYS—PROGRESS OF PORTLAND—ARCHITECTURE AND ORGANIZATIONS—EAST PORTLAND—IRON WORKS—VALUE OF PROPERTY—MINING—CONGRESSIONAL APPROPRIATIONS—NEW COUNTIES—SALMON FISHERIES—LUMBER—POLITICAL AFFAIRS—PUBLIC LANDS—LEGISLATURE—ELECTION.

TAKING a later general view of progress, I find that the multiplication of railroad enterprises had become in 1887-8 a striking feature of Oregon's unfolding. In this sudden development, the Northern Pacific had taken the initiative, causing the construction of the lines of the Oregon Railway and Navigation Company, the formation of the Oregon and Transcontinental and other companies, and finally the control for a time of the Northern Pacific by the Oregon interest.[1] That these operations miscarried to some extent was the natural sequence of overstrained effort. The city of Portland, and to a considerable extent, the state, suffered by the neglect of the Northern Pacific Terminal Company to construct a

[1] I have already referred to the O. R. & N. co.'s origin and management in 1879-83, but reference to the methods employed by Villard will not be out of place here. He gained an introduction to Oregon through being the financial agent of the German bond-holders of the Or. and Cal. R. R., and a year afterward was made president of this road and the Oregon Steamship co., of which Holladay had been president, through the action of the bond-holders in dispossessing Holladay in 1875. In 1872 a controlling interest in the Oregon Steam Navigation co., on the Columbia river, had been sold to the Northern Pacific R. R. co., and was largely hypothecated for loans, or on the failure of Jay Cooke & Co., divided among the creditors as assets. This stock was gathered up in 1879 wherever it could be obtained, at a price much below its real value.

bridge over the Willamette river, and erect depôt buildings on the west side.[2] These drawbacks to the perfection of railroad service were removed, so far as a bridge is concerned, in June 1888, when the Oregon Railway and Navigation Company completed one, which was followed soon after by the erection of the present union depôt.

In the meantime two important changes took place in the railway system of the state. Negotiations had been for three years pending for the purchase of the bankrupt Oregon and California railroad, which were renewed in January 1887. The terms of the proposed agreement were, in effect, that the first mortgage bond-holders[3] should be paid at the rate of 110 for their new forty-years' gold five per cent bonds, guaranteed principal and interest, by the Southern Pacific Railroad Company of California, together with four pounds in cash for each old bond; the new bonds to be issued at the rate of $30,000 per mile, and secured by a new mortgage, equivalent in point of lien and priority to the first mortgage, and bearing interest from July 1, 1886. Preferred stockholders would receive one share of Central Pacific, together with four shillings sterling for each preferred share, and common stockholders one share of Central Pacific and three shillings for every four common shares. The transfer actually took place on the first of May, 1887, and the road was completed to a junction at the town of Ashland on the 17th of December of that year. This sale gave the California system the control of the trunk line to the Columbia river, and gave encouragement to the long contemplated design of its managers to extend branch lines eastward into Idaho and beyond. The Southern Pacific Company also purchased the Oregon railway

[2] The obstructing influence in the bridge matter was the N. P. co., whose consent was obtained only after the return to power of Villard.

[3] Suits of foreclosure had been entered in the U. S. circuit court at Portland, Deady, judge, which were dismissed June 4, 1888, on petition of the S. P. co.

in 1887, which had been sold in 1880 to William Reid of Portland.

At the same time the Union Pacific, having modified its views since the period when it was offered an interest in the Oregon Railroad and Navigation Company, desired to secure a perpetual lease of this property. To this proposition the Oregon people were largely friendly, because it would change the status of the road from a merely local line to a link in a through line to Omaha, the other link being the Oregon Short Line railroad, a Wyoming corporation, but controlled by the Union Pacific. The lease was signed January 1, 1887, and was made to the Oregon Short Line, the rental being guaranteed by the Union Pacific at five per centum of the earnings of the demised premises.[4]

Seeing in this arrangement a future railroad war in which the Northern Pacific and Union Pacific would be, if not equal, at least coincident sufferers, Villard, who had regained his standing in the company by coming to its relief with funds to construct the costly Cascades division, desired to make the lease a joint one, by which means the threatened competition should be avoided. But competition was not undesirable to the people, who had more cause to fear pooling. Besides, it was but natural that the Northern should wish to occupy all the country north of Snake river with its own feeders, and to confine the Oregon road to the country south of it. But the wheat region of eastern Washington, and the rich mineral region of northern Idaho, were the fields into which Oregon wished to extend its business. These points being brought forward in the discussion of the

[4] It was necessary to pass a special act giving authority to the O. R. & N. to make the lease. The legislature after much argument passed it; it was not signed by Gov. Pennoyer, but became a law without his signature. According to the corporation laws of Oregon, the lease of any railway to a parallel or competing line is prohibited. But a good deal of the opposition to the lease came from the Oregon Pacific, or Yaquina, R. R., which desired as much territory as it could by any means secure in eastern Oregon, and feared so strong a competitor as the U. P. R. R.

propesed joint lease, it was endeavored to smooth the way to an agreement by conceding to the Oregon line the carrying trade arising over a portion of the Northern feeders.[5]

The agreement gave the right and power, after July 1, 1888, for ninety-nine years, to the Oregon Short Line and Northern Pacific companies jointly to manage, operate, and control the Oregon Railroad and Navigation Company's railroad; to fix rates of transportation, to dispose of the revenues equally between them, and to pay equally the rental agreed upon in the original lease. It being apparent to the enemies of this arrangement that the majority of the directors of the Oregon company would be persuaded to sign the lease, a temporary injunction was applied for in the state circuit court by Van B. De Lashmutt, mayor of Portland, which injunction was granted March 1888, upon the ground of violation of Oregon law. It was subsequently dissolved, and the lease went into effect in July of that year. None of the parties to the agreement pretended that it would stand a legal test, but knew that it was liable to be abrogated at any time when circumstances should make it repugnant to either of the joint lessees.[6]

The Oregon Pacific, a name given to the Corvallis and Yaquina Bay railroad, subsequent to the inception, was completed to Albany in 1886, where a bridge over the Willamette was formally opened on the 6th of January, 1887.[7] It was, and still is, making its

[5] That is on the existing or future feeders of the N. P. between Pend d'Oreille lake and Snake river, and option was allowed to use either route to tide-water—via Portland or Tacoma; but unless specially consigned otherwise, this traffic should take the Oregon route.

[6] It is not clear to me what was Villard's motive for wishing to join in the U. P.'s lease. The motive of that company, which the Central Pacific had kept out of California, in desiring to come to the Pacific coast is easy to comprehend. The O. R. & N. erred, in my judgment, in yielding the control of the best railroad property on the northwest coast to a company with the standing of the U. P. The Southern Pacific will show its hand in competition soon or late, and will build more feeders than the U. P., while the N. P., on the other side, will make the most of its reserved rights, thus narrowing down the territory of the leased road.

[7] The first freight train to enter Albany was on Jan. 13, 1887.

way eastward from that town, through a pass at the head waters of the Santiam river. From the summit, which is 4,377 feet above sea level, the descent was easy and from Des Chutes river the route laid out passed through a farming country equal in productiveness to the famous wheat-growing basin of the Columbia in Washington, taking in the Harney and Malheur valleys, running through a pass in the mountains to Snake river and thence to Boisé, there to connect with eastern roads. The road at Yaquina connects with the Oregon Development Company's line of steamers to San Francisco. The last spike was driven January 28, 1887, on a railroad from Pendleton in eastern Oregon to the Walla Walla, and other extensions of the Oregon Railway and Navigation Company's lines speedily followed.

The Portland and Willamette valley railroad is an extension of the narrow guage system of the western counties before described. It was carried into Portland along the west bank of the Willamette, in the autumn of 1887, and affords easy and rapid transit to the suburban residences within a few miles of the city by frequent local as well as through trains.[8]

Portland improved rapidly between 1880 and 1888. It left off its plain pioneer ways, or all that was left of them, and projected various public and private embellishments to the city. It erected two theatres, and a pavilion in which were held industrial exhibitions. A beautiful medical college was a triumph of architecture. The school board, inspired by the donation of $60,000 to the school fund by Mr Henry Villard, indulged in the extravagance of the most elegant and costly high-school building on the Pacific coast, and several new churches were erected. Citizens vied with each other in adopting tasteful designs

[8] Twenty passenger trains arrived and departed daily, exclusive of suburban trains. Six lines had their terminus there. Over 30 freight trains arrived and departed—a great change from the times of 1883.

for their residences; parks and streets were improved; street-car lines added to the convenience of locomotion; business blocks arose that rivalled in stability those of older commercial cities; and wharves extended farther and farther along the river front.

In May 1887 articles of incorporation were filed by a number of real estate brokers, who formed a Real Estate Exchange. The object[9] of the corporation, as expressed, was laudable, and their number promised success, and the erection of a handsome Exchange building. The military companies built themselves an armory on an imposing design, and the Young Men's Christian Association followed with a structure of great merit, while a building known by the name of the Portland Library, and destined to be occupied

[9] The incorporators were Ellis G. Hughes, W. F. Creitz, T. Patterson, J. P. O. Lownsdale, L. M. Parrish, and L. D. Brown. The avowed object of the Real Estate Exchange is to secure a responsible medium of exchange of equal benefit to buyer and seller, to equalize commissions, to foster the growth of the state, encourage manufactures, and invite capital and immigration. The list of stock-holders is as follows: L. F. Grover, Ellis G. Hughes, A. W. Oliver, Eugene D. White, E. J. Haight, Frank E. Hart, John Kiernan, Geo. Marshall, A. B. Manley, Robert Bell, J. W. Cook, Philo Holbrook, M. B. Rankin, H. C. Smithson, A. E. Borthwick, L. M. Cox, Geo. Woodward, John Angel, H. D. Graden, J. F. Buchanan, Fred. K. Arnold, E. W. Cornell, L. M. Parrish, Geo. E. Watkins, H. B. Oatman, R. B. Curry, J. L. Atkinson, D. W. Wakefield, A. W. Lambert, W. F. Crietz, T. Patterson, W. A. Daly, T. A. Daly, J. Fred. Clarke, Geo. Knight, Geo. P. Lent, A. J. Young, Van B. De Lashmutt, B. F. Clayton, J. P. O. Lownsdale, P. W. Gillette, David Goodsell, H. D. Chapman, Ward S. Stevens, J. W. Ogilbee, C. M. Wiberg, S. B. Riggen, R. H. Thompson, Geo. L. Story, Wm M. Killingworth, W. K. Smith, S. M. Barr, E. E. Lang, L. D. Brown, James E. Davis, Ed. Croft, Benj. I. Cohen, J. W. Kern, J. G. Warner, E. M. Sargent, Sherman D. Brown, W. L. Wallace, E. Oldendorff, John M. Cress, Mert E. Dimmick, D. H. Stearns, W. G. Telfer, Edward G. Harvey, L. L. Hawkins, D. P. Thompson, Frank Dekum, Dudley Evans, E. D. McKee, James Steel, T. A. Davis, A. H. Johnson, John McCracken, Donald Macleay, Ed. S. Kearney, C. A. Dolph, J. N Dolph, Henry Failing, N. L. Pittock, R. M. Demeal, A. L. Maxwell, Preston C. Smith, C. J. McDougal, James K. Kelly, John H. Mitchell, W. A. Jones, C. W. Roby, Wm P. Lord, A. N. Hamilton, J. A. Strowbridge, John Gates—95 members. Two are U. S. senators, two ex U. S. senators, 12 are capitalists and bankers, one judge of the sup. ct, one mayor of Portland, one postmaster of Portland, 2 newspaper men, one a major in the U. S. army, 4 attorneys-at-law, 8 merchants, one manager of Wells, Fargo & Co.'s express, one R. R. agent, and the remainder brokers and real estate dealers, 40 of whom are the holders of seats in the exchange. Rooms have been taken for the present at the corner of Stark and Second sts. The admission fee was at first $50, but was soon increased to $100. No more than 100 seats will be sold, and the quarterly dues are fixed at $15.

by that institution, was built by subscriptions obtained chiefly by its first president, Judge Deady. An immense hotel, costing nearly a million dllars, and an art glass manufactory were added in 1888.

East Portland shared in the prosperity of the greater city, and having a larger extent of level land for town-site purposes, offered better facilities for building cheap homes for the working classes. The Portland Reduction works was located there, and opened in the spring of 1887, for smelting ores from the mines of Oregon and Idaho. Street cars were introduced here in 1888, connecting with West Portland by means of a track laid on a bridge over the Willamette at Morrison street, and with Albina by another bridge across the ravine which separates them. The extensive warehouses and other improvements of the Northern Pacific railroad were at Albina, which thus became the actual terminus of that road, and of all the transcontinental roads coming to Portland. A railroad across the plains northeast of East Portland carried passengers to the Columbia, opposite Vancouver, and brought that charming locality into close neighborhood to Portland.

At Oswego, a few miles south of Portland, the Oregon Iron Company's works, which in 1883 were closed on account of the low price of iron, and the incapacity of the furnaces to be profitably operated, were reopened in 1888 by the Iron and Steel Works Company,[11] employing over three hundred men. The

[10] Albina, as I have otherwheres shown, was founded by Edward Russell, but the property was sold in 1879 to J. B. Montgomery before the N. P. R. R. co. selected the site for its terminal works. This gave it importance, as the machine shops of the Terminal co., N. P., the O. R. & N., and the O. & C. cos were located there, to which are now added those of the S. P. R. R., making in all quite a village of substantial brick buildings with roofs of slate in the railroad yards. Montgomery dock has an area of 200x500 feet, and has had as much as 600,000 bushels of wheat stored in it at one time. In 1887 42,000 tons were shipped through it. The Columbia River Lumber and Manufacturing co. keeps an extensive lumber yard at Albina. The owners are J B. Montgomery and Wm M. Colwell. All these large enterprises, together with the iron works, employ many laborers, who find pleasant homes in Albina.

[11] S. G. Reed, Wm M. Ladd, F. C. Smith, C. E. Smith, J. F. Watson, the Or. Transcontinental co., and some eastern capitalists constituted the company.

water power at Oregon City, which ever since 1841 had been a source of discord, and had constituted at times an injurious monopoly, had finally come into the hands of a syndicate of Portland and Oregon City men, who designed to make the latter place what nature intended it to be—the great manufacturing centre of the state.[12]

The estimated value of property in Multnomah county at the close of 1887 was $27,123,780, and the value of transfers for that year about $6,000,000. The immigation to the state numbered nearly fifty thousand, and the importation of cash was estimated at $19,221,000. All parts of the state partook of the new growth. Salem had received the splendid state asylum for the insane, and the schools for the blind and the deaf and dumb, a manufactory of agricultural machinery, and other substantial improvements, besides a woman's college, and a public school building in East Salem costing $40,000.

The county-seat of Yamhill county had been removed to the flourishing town of McMinnville. Corvallis, Albany, Eugene, and the towns in southern Oregon, of which Ashland was in the lead, all throve excellently.

[12]The O. R. & N. co. held formerly all but a few shares of the Willamette Transportation and Locks co.'s stock, which latter company owned the locks, canal, basin, and warehouse on the east side of the falls, with all the water-power of the falls, and the land adjoining on both sides. An Oregon City co. owned 750 shares of the land on the west side, including that not owned by the W. T. & L. co. The new organization owns all of the land, property, stocks, and water-power, purchasing the O. R. & N. co.'s shares and all its interest. It proposes to give the necessary land on the west side free, with water-power for 10 years rent free, to any persons who will build and operate manufactures. It is also proposed to construct a suspension toll-bridge across the Willamette, provided the proper authorities do not build a free bridge, as they may do. The O. R. & N. would not sell any part of its holding without selling all, therefore the new company were forced to purchase the locks, which gave them additional facilities for the use of the water-power. The state has, however, by law the right and option to buy the locks on the 1st of January, 1893, at their then value, and it is feared that this may delay the use of the power until this option is disposed of by legislation. The land and power were pooled on equal terms without reference to value, and the locks were estimated at $400,000. This is paid by a mortgage on the whole property running 12 years, bearing interest for 5 years at 4 per cent, and for the next 7 years at 5 per cent. The pres't of the co. is E. L. Eastham of Oregon City.

Mining also had a strong revival in the southern and eastern counties, while new discoveries and rediscoveries were made in the Cascade range in Marion and Clackamas counties. No mining furore is likely ever to take place again in this state, if anywhere in the northwest. Placers such as drew thousands to Rogue river in 1851, and to John Day river in 1862, will probably never again be discovered. The hydraulic gravel mines of Jackson and Josephine counties have proved valuable properties, and a few quartz mines on the eastern border of the state have returned good profits. The reduction works at East Portland were erected to reduce the ores of the Cœur d' Alene silver district chiefly.[13] Much Oregon capital had become interested in Cœur d' Alene, and also in the recently discovered mines of Salmon river in eastern Washington, which were found upon the Chief Moses' reservation, which is in the Okanagan country of the npper Columbia, once hastily prospected by miners in the Colville mining excitement, but only known to contain quartz mines since 1887. The total gold prodnct of Oregon in 1887 was over half a million, and of silver about $25,000.

Although there is no lack of building stone in Oregon, if county statistics may be believed,[14] the

[13] The Cœur d' Alene furnishes galena-silver ores. The Sierra Nevada mine, yielding ore consisting of galena and carbonates, is said to average $94.79 in lead and silver. A block of galena weighing 760 pounds assayed 69 per cent lead, and $110 in silver per ton. Some of the specimens are of rare beauty, the silver being in the form of wire intermingled with crystals of carbonate, arranged upon a back ground of a dark metallic oxide, and appearing like jewels in a velvet lined case. Some of the prominent mines are the Bunker Hill, Sullivan, the Tyler, the Ore-or-no-go, and the Tiger.

[14] The mineral resources of the several counties are: Baker: gold in quartz and placers, silver in lodes, copper, coal, nickel ore, cinnabar, building stone, limestone and marble. Benton: coal, building stone, gold in beach sand, iron. Clackamas: iron ore and ochres, gold in quartz, copper, galena, coal, building stone. Clatsop: coal, potter's clay, iron ore, jet. Columbia: iron ore, coal, manganese ore, salt springs. Coos: coal, gold in beach sand, streams, and quartz, platinum, iridosmine, brick clay, chrome iron, magnetic sands. Crook: gold in placers. Curry: iron ore, gold in river beds and beach sands, platinum, iridosmine, chrome iron, borate of lime, building stone, silver and gold (doubtful). Douglas: gold in lodes and placers, nickel ores, quicksilver, copper, native and in ore, coal, salt springs, chrome iron, platinum, iridosmine, natural cement, building stone. Gilliam: coal. Grant: gold in lodes and placers, silver in lodes, coal, iron. Jackson: gold

fact remains that but one quarry is known to produce good building material, and that one is at East Portland, from which was taken the stone used in erecting the lighthouse at Tillamook. The difficulty of obtaining suitable material for the jetty being constructed at the mouth of the Columbia has delayed the work, and occasioned loss to contractors. As much as $20,000 was expended in exploring for good rock for this purpose in vain, a limited supply being found at one place only on the river. Yet there is known to be an abundance of good stone in the mountains of Lewis and Clarke river, near the mouth of the Columbia; but a railroad of fifteen miles is required to bring it to the coast, and $150,000 will have to be expended out of the appropriation for the work of improving the mouth of the Columbia.

The plan of this work is to construct a low-tide jetty from near Fort Stevens, four and a half miles in a slightly convex course to a point three miles south of Cape Disappointment. It is intended both as a protection to Fort Stevens, and as the means of securing deep water in the channel. The cost is computed at $3,710,000, and of this only $287,500 had been appropriated in 1887. The work was begun under the appropriation act of July 5, 1884. So far as it has progressed its effect on the entrance to the river has proven satisfactory. The lack of depth in the channel, which it is the intention to keep at thirty feet, prevents American vessels with deep bottoms from entering the river, while the light-draught British iron-bottomed vessels secure the trade.

in lodes and placers, quicksilver, iron, graphite, mineral waters, coal, limestone, infusorial earth, building stone. Josephine: gold in lodes and placers, copper ores, limestone and marble. Klamath: mineral waters. Lake: mineral waters. Lane: gold in quartz and placers, zinc ores. Linn: gold in quartz and placers, copper, galena, zinc blende. Malheur: nitrate beds, alkaline salts. Marion: gold and silver in quartz, limestone, bog iron ore. Morrow: —. Mutlnomah: iron ore, building stone. Polk: building stone, salt springs, limestone, mineral waters, iron pyrites. Tillamook: gold in beach sands, coal, rock salt, iron pyrites, building stone. Umatilla: gold in lodes and placers, coal, iron. Union: gold in lodes and placers, silver in lodes, hersite, ochre. Wallowa: gold in lodes, silver, copper, building stones. Wasco: mineral waters. Yamhill: mineral springs, iron pyrites. *Id.*, Jan. 2, 1888. This in part only.

The state of Oregon is much indebted to the efforts of United States Senator J. N. Dolph for the government aid granted in improving the Columbia, as well as some lesser waterways. The drainage area of the Columbia is estimated by him to be greater than the aggregate area of all New England, the middle states, and Maryland and Virginia; and the far larger portion lies east of the Cascade range, which has no other water-level pass from the northern boundary of Washington to the southern line of Oregon. This pass is monopolized by the Oregon Railway and Navigation Company's track on the south side, and by a railway portage of the same corporation on the north side. The government has undertaken to facilitate free navigation by constructing locks at the upper Cascades and improving the rapids, but the work is costly and proceeds with the proverbial tardiness of government undertakings, where appropriations are held out year after year with apparent reluctance, while the treasury is overflowing with its surplus. The work has been going on for eight or ten years, during which time only about half the $2,205,000 required has been appropriated. The river and harbor line passed by congress in 1888, and warmly advocated by the Oregon senators, was shaped by them to carry forward these important improvements. Another improvement advocated by Dolph is a local railway at the Dalles, which will cost $1,373,000. Besides this, the rapids of the Columbia above the mouth of Snake river will require to overcome them, the expenditure of $3,005,000; that is, the sum of $5,440,500 will, it is believed, open to competition a distance of 750 miles. This will have the effect to cheapen freights, which now are entirely in the hands of the railroad combination, except on the lower Columbia. There can be no doubt that these improvements will be made at no very distant day, when the Columbia will be a continuous waterway reaching 1,000 miles into the interior of the continent. The Oregon

delegation in Washington was very persistent at this period in claiming appropriations for public works.[15] Senator Mitchell obtained $80,000 for the erection of a first-class lighthouse near the mouth of the Umpqua river; $15,000 for a site and wharf at Astoria for the use of the lighthouse department, and asked for money to construct the revetment of the Willamette at Corvallis.

The coast counties developed very gradually, although they received a part of the immigration, and were finally prosperous. Scottsburg projected a railway which, if it can be extended to Coos bay, should be a good investment. At Sinslaw a settlement was made,[16] with three fish-canning establishments, and a saw-mill. There being a good entrance to the river, the bottom lands rich, the water excellent, and the climate healthful, this section offered attractions to settlers, and a railroad might be made to connect with one from Scottsburg.

Yaquina, from the opening given it by the Oregon Pacific, and a line of steamers to San Francisco, made considerable growth, assumed pretensions of a fashionable resort, and planned to erect a large hotel a few miles south of the bay, where hunting, fishing, and beach driving were guaranteed the tourist. Little change had been effected in the more northern coast counties.

In eastern Oregon two new counties were organized —Morrow county, named after Governor Morrow, with the county seat at Heppuer, and formed out of the south-west portion of Umatilla; and Wallowa

[15] Dolph has been at some pains to prepare a bill for expending $126,000,000 in coast defences, according to the recommendation of a commission appointed to report upon the subject. It appropriates $27,000,000 for the defence of San Francisco harbor; $2,519,000 for the defence of the mouth of the Columbia; and $504,000 to the harbor of San Diego.

[16] George M. Miller, of Eugene, is the founder of Florence, although David Morse Jr, of Empire City, made an 'addition' to the town. Lots are worth from $25 to $50 and $100. The Florence Canning co. employs 80 men with 40 boats, besides 45 Chinese. The Lone Star Packing co. employ 32 men, 16 boats, and 35 Chinese. The Elmore Packing co. employs 80 men, 40 boats, and 65 Chinese. The three establishments put up 1,700 cases daily.

county, formed out of a portion of Union, with the county seat at Joseph.[17] Railroads were being rapidly constructed from all directions toward the main lines to carry out the crops, wool, and stock of this division of the state. The wool clip of 1887, which was shipped to Portland, was 12,534,485 pounds, the greater portion of which was from eastern Oregon. The movement at Portland of wheat and flour for 1887 equalled the bulk of the wheat production of Oregon and eastern Washington combined.[18] Lumping the receipts of Willamette valley and eastern Oregon and Washington wheat, there were received at Portland 3,927,458 centals, against 5,531,995 received in 1886; and 302,299 barrels of flour against 354,277 for the latter year. Of this amount, 553,920 centals of wheat, and 165,786 barrels of flour, were from the Willamette valley. A fleet of 73 vessels, registering 93,320 tons, was loaded with grain at Oregon wharves.

There has been a steady decline in salmon canning on the Columbia since 1883, falling from 630,000 cases to 400,000 in 1887. This may reasonably be attributed to the over-fishing practised for several years consecutively. Nature does not provide against such greed, and it is doubtful if art can do it. The government, either state or general, should assume control of this industry by licensing a certain number of canneries, of given capacity, for a limited period, and improving the hatcheries. Otherwise there is a prospect that the salmon, like the buffalo, may become extinct.

Although Oregon built the first saw-mills on the Pacific coast, and enjoyed for a few years the monopoly of the lumber trade with California and the Ha-

[17] The name of Joseph is given in remembrance of the Nez Percé chief of that name, who formerly made his home in this valley, and young Joseph, his son, who led his band in the war of 1877. The first commissioners of Wallowa co. were James McMasterton and J. A. Runhed. The first commissioners of Morrow were William Douglas and A. Rood.

[18] A portion of the wheat crop of Washington was carried to Tacoma via the Cascade branch in 1887.

waiian islands, since the establishment of the immense lumbering and milling properties on Puget sound, chiefly controlled by capital in San Francisco, it has been difficult to market Oregon lumber, except on sufferance from the great lumber firms. In 1885, however, the experiment was made of sending cargoes of lumber to the eastern states direct by rail, which has resulted in a trade of constantly increasing importance, having grown from 1,000,000 feet to 10,000,000 feet monthly. The market is found everywhere along the line from Salt Lake to Chicago. The lease to the Union Pacific of the Oregon Railway and Navigation Company's lines will facilitate this traffic. This trade belongs at present solely to Oregon, and is independent of the 100,000,000 feet exported annually to Pacific coast markets.[19]

[19] In many ways the improvement in local institutions might be noted. A fruit grower's association was formed, Dr J. R. Cardwell, president, which held its first annual meeting January 5, 1887. On the 11th of the same month the Portland Produce Exchange was organized. The state board of immigration transferred its office to the Portland board of trade in Sept. 1887. A Gatling battery was added to the military organizations of Portland. On April 7, 1886, the Native Sons of Oregon organized. On the 17th of August, 1887, the corner stone of the new Agricultural college was laid at Corvallis. The state has done nothing to withdraw the Agricultural college from the influences of sectarianism. The Southern Methodist State Agricultural college, as a local newspaper calls it, will not rise to the standing which the people have a right to demand for it until it becomes, as congress intended, a part of the state university. A free kindergarten system was inaugurated in Portland; and a Woman's Exchange opened, which gave cheap homes to homeless women, with assistance in finding employment. The Teachers' National convention of 1888 at San Francisco showed the work of the Portland schools to be very nearly equal to the best in the United States, and superior to many of the eastern cities. Albany, since the inception of the Oregon Pacific R. R., has gained several new business institutions. The railroad round-house and shops were located there. Among its manufactories were extensive flouring mills, furniture factories, wire works, iron foundries, and a fruit packing establishment. An opera house was erected by a joint stock company, and a public school building costing $20,000. The aggregate cost of new buildings in 1887 was $160,000, with a population of 3,500. The electric light system has been introduced. The water power furnished by the Albany and Santiam Water, ditch, or canal company, with a capacity of 20,000 running feet per minute, invites industries of every kind depending upon geared machinery.

Roseburg in Douglas county took a fresh impetus from the completion of the Oregon and California R. R. The county of Douglas, with a population of 14,000 and a large area, shipped in the year ending August, 1887, 269 tons of wool, 5,073 tons of wheat, 436 tons of oats and other grains, 288 tons of flour, 8 tons of green fruit, 61 tons of dried fruit. This being done with no other outlet than via Portland, was an indication of what might be looked for on the opening of the country south of Roseburg.

The administration of Governor Moody was a fair and careful one, marked by no original abuses, although it failed to correct, as it was hoped it would have done, the swamp-land policy, by which the state had been robbed of a handsome dower. The legislature of 1878 had endeavored to correct the evil growing out of the legislation of 1870, but Governor Thayer had so construed the new law as to render it of no effect in amending the abuses complained of;[20] and Governor Moody had not interfered with the existing practices of the swamp-land board. Here, then, was a real point of attack upon a past administration, when a democratic governor was elected in 1886.[21] Governor Sylvester Pennoyer was quite willing, and also quite right to make it, and doubtless enjoyed the electrifying effect of his message to congress, in which he presented a list of swamp-land certificates aggregating 564,969 acres, on which $142,846 had been unlawfully paid, and suggested that while settlers should be protected in possession of a legal amount legally purchased, the money, which under a "misapprehension" had come into the treasury from other persons, should be returned to them; and "the state domain parcelled out, as was the intent and letter of the law, to actual settlers in small quantities." Further, the new board of school-land commissioners[22] prepared a bill, which embodied

[20] I have already given an account of the manner in which the law of 1870 was passed, and with what motive. The legislature of 1878 had enacted that all applications for the purchase of these lands from the state which had not been regularly made, or being regularly made the 20 per cent required by law had not been paid before Jan. 17, 1879, should be void and of no effect. But it appeared that the board, consisting of the governor, secretary and treasurer, had issued deeds and certificates to lands which had not been formally approved to the state by the secretary of the interior, and to which, consequently, it had no show of title. It had issued deeds and certificates for amounts in excess of 320 acres—all that by law could be sold to one purchaser—selling unsurveyed and unmapped lands in bodies as large as 50,000, 60,000, or 133,000 acres, and otherwise encouraging land-grabbing.

[21] The secretary of state under Gov. Moody was R. P. Earhart; and the treasurer Edward Hirsch. They constituted with the governor the board land commissioners.

[22] The new board consisted of Governor Pennoyer, secretary of state, George W. McBride, and Edward Hirsch, who had been treasurer through

the views of the governor, and presented it to the legislature with a recommendation that it, or something very like it, should be enacted into a law. It declared void all certificates of sale made in defiance of the law of 1878, but provided that actual settlers on 320 acres or less should be allowed to perfect title without reclaiming the land, upon payment of the remaining 80 per cent before January 1, 1879. Upon the surrender of void certificates the amount paid thereon should be refunded; and a special tax of one mill on a dollar of all taxable property in the state should be levied, and the proceeds applied to the payment of outstanding warrants made payable by the act. Suit should be brought to set aside any deed issued by the board upon fraudulent representation. The reclamation requirement of the law of 1870 was dispensed with, and any legal applicant who had complied with the provisions of that act, including the 20 per cent of the purchase price, prior to January 1879, should be entitled to a deed to not more than 640 acres, if paid for before 1889. All swamp and overflowed lands reverting to the state under the provisions of the act should be sold as provided by the act of 1878; but only to actual settlers, and not exceeding 320 acres to one person. Any settler who had purchased from the holder of a void certificate should be entitled to receive the amount of money paid by him to the original holder, which should be deducted from the amount repaid on the surrender of the illegal certificate. Such an example of justice had not surprised the people of Oregon since the days of its founders. According to the report of the board for 1887 the school fund will save nearly, if not quite, a million dollars by the rescue of these lands from fraudulent claimants.

several previous terms. McBride was a republican and had been speaker of the house in 1885. He was the younger son of James McBride the pioneer, and brother of James McBride of Wis., John R. McBride of Utah, and Thomas McBride, attorney of the 4th judicial district of Or. An upright and talented young man.

The legislature of 1887 proposed these amendments to the people, to be voted upon at a special election: First, a prohibitory liquor law; second, to allow the legislature to fix the salaries of state officers; third, to change the time of holding the general elections from June to November. All failed of adoption. J. H. Mitchell was again chosen United States senator.

The free trade issue in 1888 caused the state to return a large republican majority,[23] and again gave to that party the choice of a United States senator to succeed Dolph. Herman was elected congressman for a third term. The financial condition of the state was excellent, the total bonded debt being less than $2,000, and outstanding warrants not exceeding $54,000.

Thus was built up, within the memory of living men, a state complete in all its parts, where, when they entered the wilderness, the savage and the fur-hunter alone disturbed the awful solitudes. Whom the savage then spared, king death remembered, beckoning more and more frequently as time went on to the busy toilers, who in silence crossed over Jordan in answer to the undeniable command, and rested from their labors.[24]

[23] The democrats elected only 25 out of the 90 members of the legislature. The republican majority was about 7,000.

[24] I find in the archives of the Pioneer association for 1887 mention of the death of the following persons, most of whose names are recorded in the immigrant lists of the first vol. of my *History of Oregon*: Capt. William Shaw (immigrant of 1844) died at Howell prairie, 20th January, 1887. Capt. Charles Holman (arrived 1852) died at Portland 3d July, 1886; Prof. L. J. Powell (1847) died at Seattle 17th August, 1887; David Powell (1847) died near East Portland 8th April, 1887; Peter Scholl (1847) died near Hillsboro' in November, 1872; Mrs Lucinda Spencer, (1847) daughter of Thomas and Martha Cox, died 30th of March, 1888; Mrs Sarah Fairbanks King, (1852) who was Mrs George Olds when she came to Oregon, died 19th January, 1887; Solomon Howard Smith, of the Wyeth party of 1832, died on Clatsop plains in 1874, at the age of 65 years; he was born December 26, 1809 at Lebanon, N. H.; Alvin T. Smith (1840) died in 1887 at Forest Grove; he was one of the independent missionaries, and was born in Branford, Conn., Nov. 17, 1802, his first wife being Abigail Raymond, who died in 1855, when he returned to Conn., and married Miss Jane Averill of Branford, who survived him; Mrs Mary E. Frazer, neé Evans, born in Newburyport, Mass., Dec. 13, 1816, who married Thomas Frazer, and came to Oregon in 1853, died in Portland 21st April, 1884.

In 1886 there died of Oregon's pioneers the following: Jan. 21st, Mrs Clara B. Duniway Stearns, born in Oregon, wife of D. H. Stearns, and only

It is a pleasure to the historian, who, by closely following the stream of events, has identified himself with the characters in his work, to observe with what unfailing justice time makes all things even. At the annual meeting of the Oregon Pioneer association at Portland, in 1887, Matthew P. Deady, acting as speaker for the city, presented to the association a life-size portrait of John McLoughlin, which was afterward hung in the state capitol, "where," said the speaker, "you may look at it and show it to your children, and they to their chileren, and say: 'This

daughter of Mrs Abigail Scott Duniway, at Portland; George F. Trêban Jan. 21st at Portland; Mrs M. J. Saylor Jan 24th at McMinnville; Simeon Alber (1853) at McMinnville Jan. 24; Frank Hedges at Oregon city Feb. 22d; Samuel A. Moreland at Portland March 19th; W. McMillan at East Portland April 26th; Mrs J. A. Cornwall (1846) at Eugene May 2d; Elijah Williams at East Portland May 16th; James Johns, founder of the town of St Johns, May 28th; Gen. John E. Ross at East Portland June 14th; W. W. Buck (1844) at Oregon city June 19; Mrs James M. Stott at East Portland June 26th; Mrs Susan A. Tartar in Polk co. June 28th; Mrs Sarah Vandenyn in Lane co. June 28th; Captain Seth Pope in Columbia co. July 23d; Mrs Mary Stevens Ellsworth (1852) at Cove, in Union co., July 24th; Rev. E. R. Geary at Eugene city Sept. 2d; W. H. Bennett (1845) at Rockford, W. T., Sept. 12th; Robert E. Pittock at Canonsburg, Pa.. Sept 16th; Samuel M. Smith at Portland Oct. 25th; L. J. C. Duncan, Jackson co. Nov. 7th; Whiting G. West (1846) Nov. 8th; James Thompson at Salem Nov. 8th; Prof. Newell at Philometh college, Nov. 10th; Mrs Mary Olney Brown, at Olympia Nov. 17th; A. Walts at Portland Dec. 17th; Jacob Hoover (1844) at his home near Hillsboro', Dec. 19th.

In 1887: Ex.-Gov. Addison C. Gibbs died in London, Eng., early in Jan.; his funeral occurred July 9th at Portland; Mrs D. M. Moss of Oregon city a pioneer of 1843, d. Jan. 23d; George W. Elmer, Portland, Jan. 26th; Mrs W. T. Newby (1844), Jan. 28th; Mrs A. N. King (1845), an. 30th; James Brown (1843), Feb. 8th, at Woodburn; H. M. Humphrey (1852), near Portland, Feb. 3d; Mrs Ellen Daley, at East Portland, Feb. 3d; Mrs Col W. L. White (1850), at Portland, Feb. 20th; Mrs William Mason of Monmouth, and Mrs Wallace of Linn co., Feb. 21st; John G. Baker at McMinnville, March 4th; Judge William Strong (1849), at Portland, April 16th; Mrs James B. Stephens (1844), at East Portland, April 27th; Benjamin Strang, at Astoria, May 7th; N. D. Gilliam (1844), at Mount Tabor, May 15th; M. Tidd, in Yamhill co., May 22d; Levi Knott, at Denver, Col., May 29th; E. Norton and J. Schenerer, Portland, June 7th; Mrs Frances O. Adams (1845), wife of W. L. Adams, June 23d; Robert Pentland, at Scio, June 5th; Dr Cabannis, of Modoc war fame, at Astoria, July 22d; Dr R. B. Wilson, at Portland, August 6th; Prof. L. J. Powell, long a teacher in Or., at Seattle, Aug. 17th; Rev. E. R. Geary, Sept. 2, 1886; Mrs J. H. Wilbur, at Walla Walla, Oct. 2d; Mrs Joseph Imbire, at The Dalles, Oct. 23d; Rev. J. H. Wilbur, at Walla Walla, Oct. 28th.

On the 10th of Feb., 1888, Dr W. H. Watkins, at Portland; on the 23d of April died Hon. Jesse Applegate. Both these men were members of the convention which formed the state constitution. Thus the makers pass away, but their work remains. Rev. Wiliiam Roberts died July 2, 1888, at Dayton.

is the old doctor; the good doctor; Dr John McLoughlin.'" And this sentiment was applauded by the very men who had given the "good old doctor" many a heart-ache along in the forties. "But," concluded Judge Deady, "the political strife and religious bigotry which cast a cloud over his latter days have passed away, and his memory and figure have risen from the mist and smoke of controversy, and he stands out to-day in bold relief, as the first man in the history of this country— the pioneer of pioneers!"

I cannot close this volume without brief biographies of the following men:

Henry Winslow Corbett, a native of Westborough, Massachusetts, where he was born on the 18th of February, 1827, is of English descent, his ancestry being traced back to the days of William the Conqueror, when the name of Roger Corbett is found among the list of those who won fame and possessions as a military leader. The youngest of eight children, after receiving a public school and academy education, he began life in the dry goods business in New York city, proceeding thence in 1851 to Portland, where he was extremely successful in his ventures, being now the oldest merchant in Portland, and perhaps in Oregon. He is, moreover, largely interested in banking, being connected with the First National bank almost from its inception, and now its vice-president. He was also appointed president of the board of trade, of the boys' and girls' aid society, and other charitable associations, and of a company organized to complete a grand hotel, to be second only in size to the Palace hotel in San Francisco. On the formation of the republican party in Oregon, Corbett became one of its leaders. He was chosen delegate to the Chicago convention of 1860, and in 1866 was elected to the United States senate, where he won repute by his practical knowledge of financial affairs, his able arguments on the resumption of specie payments, and the funding of the national debt, and his resolute opposition to all measures that savored of bad faith or repudiation. As a statesman he is noted for his boldness, eloquence, and integrity of purpose; as a business man for his ability and enterprise; and as a citizen for his many deeds of charity. In 1853 he was married to Miss Caroline E. Jagger, who died twelve years later, leaving two sons, of whom only the elder, Henry J. Corbett, survives. The latter has already made his mark in life, following in the footsteps of his father, to whom he will prove a most worthy successor.

William S. Ladd was a native of Vermont, born October 10, 1826, educated in New Hampshire, working on the farm winters. He came to Oregon in 1851, and engaged in the mercantile business, later becoming a banker. He accummulated a large fortune, and has ever been one of Oregon's foremost men. His benefactions have been many and liberal, one tenth of his income being devoted to charity. He has assisted both in the city of Portland, where he resides, and throughout the whole north-west, in building churches and schools. He endowed a chair of practical theology in San Francisco in 1886 with $50,000. He has given several scholarships to the Willamette university, and assisted many young men to start in business. In 1854 he married Caroline A. Elliott of New Hampshire, who bore him seven children, five of whom were living in 1888, William M., Charles E., Helen K., Caroline A., and John W. Ladd. The eldest son, William M. Ladd, is in every respect the worthy son of his father.

C. H. Lewis was born December 22, 1826, at Cranbury, New Jersey, where he attended school, working sometimes on a farm. In 1846 he entered

a store in New York city, where he became proficient in mercantile affairs, and in 1851 came to Portland, where he engaged in business, the house of Allen and Lewis rising into foremost prominence. Mrs Lewis, the daughter of John H. Couch, is the mother of eleven children, all born in Portland. Mr Lewis attends closely to his business, and no man in the commnnity stands in higher esteem.

Henry Failing was born in New York on the 17th of January, 1834. After a good grammar-school education, he entered a mercantile house, where he acquired proficiency in first-class business routine. Arriving in Oregon in 1851, he engaged in business, first in connection with his father, Josiah Failing, and later with H. W. Corbett. The firm rose to prominence, being the largest hardware dealers in the north-west. Failing and Corbett in 1869 took control of the First National Bank, the former being made president. Mr Failing has always been a prominent citizen, a friend of education, and three times mayor. In 1858 he married Emily P. Corbett, sister of Senator Corbett. Twelve years later Mrs Failing died of consumption, leaving three charming daughters. Mr Failing is a citizen of whom Oregon may well be proud.

Worthy of mention among the lawyers and statesmen of Oregon is Joseph Simon, of the well known Portland law firm of Dolph, Bellinger, Mallory, and Simon. A German by birth, and of Jewish parentage, he came to Portland when six years of age, and at thirteen had completed his education, so far, at least, as his school-days were concerned. After assisting his father for several years in the management of his store, he studied law, and in 1872 was admitted to practice, soon winning his way by dint of ability and hard work to the foremost rank in his profession. In 1878 he was appointed secretary of the republican state central committee, of which in 1880, and again in 1884 and 1886, he was appointed chairman, and in the two first years, and also in 1888, was elected to the state senate. While a member of that body he introduced and succeeded in passing many useful measures, among them being a bill authorizing a paid fire department, a mechanics' lien law, a registration law, and one placing the control of the police system in the hands of a board of commissioners.

Royal K. Warren was born in Steuben co., N. Y., in 1840, and educated in that state, coming to Oregon in 1863. He entered upon teaching as aprofession in Clatsop co., whence he removed to Portland in 1865, teaching in the Harrison st grammar school until 1871, when he was called to the presidency of the Albany college, which position he retained nine years. He then returned to Portland, where he was principal of the North school for one year, from which he was removed to the high school.

J. W. Brazee, born in Schoharie co., N. Y., in 1827, was educated for a civil engineer and draughtsman, and also learned the trades of carpentry and masonry. Thus equipped, he came to Cal. in 1850 in a sailing vessel. He worked at his trades, and among other buildings, erected the episcopal church on Powell street. He also engaged in mining and other industries, and removed to Or. in 1858. Here his engineering knowledge was called into use, and he located the trail between Fort Vancouver, W. T., and Fort Simcoe, east of the Cascades, notwithstanding that McClellan had reported that a pack-trail between these points was impracticable. The work was accomplished in 30 days at a cost of $4,000, and the trail immediately used for transporting government freight between these posts. His next work was that of constructing a railroad portage around the cascades of the Columbia on the Oregon side for J. S. Ruckle, the first railroad built in Oregon, and completed in 1862, when the locomotive pony was put upon the track, and run by Theo. A. Goffe. The steamboats *Idaho* and *Carrie Ladd* were built by him in 1859 and 1860; and in 1862 took charge of the construction of the railroad portage on the Washington side, being also placed in charge of the Dalles and Celilo railroad the following year; these roads remaining under his superintendence until 1879, when the O. S. N. company transferred them to Villard. He located the O. C. R. R. (west

side) for 20 miles, in 1868; located and surveyed the Locks at Oregon City, and estimated the cost of construction more nearly than any one else. In March 1881 he organized the Oregon Boot, Shoe, and Leather company, which received the gold medal for superior work at the Portland Mechanics' fair; and was one of the organizers and directors of the Portland Savings Bank of which he was for several years vice-president. Mr Brazee resided in Skamania co., Washington, during all these busy years, and represented his district in the territorial legislature from 1864 to 1875, being at the same time school superintendent.

John Wilson, born in Ireland in 1826, came to Oregon from California in the winter of 1849 on the bark *Ann Smith*, George H. Flanders, master. His first work in this state was in a saw-mill at the now abandoned site of Milton on Scappoose bay, near St Helen, where he earned $4 per day and board. He remained here until the spring of 1851, when, not being well, he went to the Tualatin plains for a season, where he recovered and returned to Milton, living there and at St Helen until 1853, when he settled in Portland in the employ of Thos H. Dwyer of the *Oregonian* as book-keeper and collector. A year later he entered the employ of Allen and Lewis, wholesale merchants, where he had an experience worth relating. He had been suffering much from ague and fever for two years. The first day's work with Allen and Lewis was very severe for a sick man, handling heavy freight, which was being unloaded from a ship, coffee-bags weighing 250 lbs., etc.; but the copious perspiration which resulted from his exertions carried off the ague, which never afterward returned. In 1856 he purchased a general merchandise business on Front street, and took partners. In 1858 the firm erected the first store (a brick one) on First street. After several changes, he was finally established, 1870, alone in a store erected by himself on Third street, between Morrison and Washington. In 1872 he built two more stores on that street, moving into one of them, where he remained until 1878. In 1880 he was elected school director of dist No. 1., which position he still fills. His policy in school matters has been liberal and elevating. After retiring from business he began to indulge a taste for literature and books, making himself the owner of a large collection of valuable and rare publications.

Martin Strong Burrell was born in Sheffield, Ohio, in 1834, where he resided until 1856, when he came to Cal. in search of health, wintering in the Santa Cruz mountains. In March 1857 he joined Knapp & Co., agricultural implement dealers, becoming associated with them in business, and remaining in Portland to the time of his death, which occurred about 1883. His wife was Rosa Frazier, a native of Mass. Mr Burrell was an excellent citizen, and the family an exemplary one.

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